



ANNUAL REPORT

**SCOTTISH LEGAL
COMPLAINTS
COMMISSION**

2020 - 2021

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Chair's foreword

Despite all the continuing challenges of the Covid-19 pandemic, this year has seen further improvement in our core performance, and it's a message we're keen to share. Shorter complaint journey times and the absence of backlogs, in contrast to many comparator organisations, are tangible results from our process improvement work and lower incoming complaint numbers. At the end of last year, we reduced the levy for all lawyers, passing on the benefit of those gains to Scotland's legal sector.

Sharing that positive message about our performance increases consumer confidence in the sector and its regulation. It also reassures any legal professionals who are subject to a complaint that it will be dealt with promptly and fairly. We welcome comment and dialogue. It's sometimes hard to change longstanding perceptions, but I invite you to read our annual accounts and annual report, and form your own view of our current performance.

There are two other areas I want to comment on – one strategic and forward looking, one unnecessary and frustrating.

The first is the prospect of reform, based on the outcome of the independent review commissioned by the Scottish Government and which reported three years ago. We are pleased that a consultation is now live on these proposals, and we look forward to engaging in the work to deliver this much needed reform. On a daily basis we see how our current prescriptive legislation adds complexity and leads to poorer outcomes for the public and the profession.

We will continue to press for a single, streamlined, process focussed on the better regulation and consumer principles. A process designed with an understanding of the journey through the system for lawyers and consumers, and with proportionate and robust outcomes that encourage quality improvement.

The less positive message is one we have raised in previous years. Every year, 30% to 40% of requests for client files are ignored by solicitors, despite the SLCC having legal powers to access these. Years of polite reminders and supportive discussions with firms have had little effect, and we were already planning to move to strong enforcement through the courts. That was delayed due to the Covid-19 pandemic. However, we noticed during the lockdown period that, despite the fact we'd issued a regulatory forbearance statement, many firms still found ways to comply on time. Our thanks go to those firms. Other firms have continued to ignore their statutory duty. Because of that we have now activated our plan to take any solicitors who fail to comply to court. This will be done for a set period, and we will monitor the impact. I hope by next year to be able to report an improved picture in terms of solicitors complying with the law as set out in our governing Act.

My thanks go to the whole Board for their work this year, especially around recalibrating our strategy and plans to deal with Covid-19 and to seize opportunities from our learning during lockdown. We especially thank our demitting members – Amanda Pringle, Emma Hutton and Michelle Hynd.

I must close with thanks to the management and staff team. They have been unrelentingly focussed on the delivery of our service, and unfailingly willing to support change. I am confident that will continue into the year ahead.

CEO's introduction

In last year's annual report and accounts, and in our budget consultation in January, we detailed how we rapidly responded to Covid-19. This ensured all our services continued to be delivered, and customer service maintained.

The fact that we did manage to get all our services running normally so swiftly has meant that this year we could focus on the longer-term future, including learning from the experience of enforced full remote working. Our Board and executive formed a joint working party that used an agile approach to rapidly review our strategy and options around people, technology, property, and changing customer need and expectation. You can read more about this work later in the report.

While the Chair has discussed performance, I would like to highlight examples of the work behind the scenes that show the depth and breadth of our efforts to improve our service:

- Through our 'Delivering Clarity' project, we deployed training on accessible English to all staff, and reviewed all standard template letters and emails for accessible English.
- We continued an extensive programme of improvement, with 17 'sprints' (rapid test and deploy cycles of improvement) running within the operational year. There is more information on these [later in this report](#).
- We used a service design approach to improve how we respond to customers when a complaint is 'premature' (when it has not yet been made to the law firm) using customer feedback and testing to refine our process.
- We changed our approach to customer service feedback, allowing a more detailed assessment of the user (lawyer and complainer) experience at each stage of our process.
- We learned from consumer groups about the specific needs of their service users (including older people, and women who have experienced domestic abuse) to inform our accessibility and customer service.
- We have reviewed the use of AI by other complaints bodies and by law firms to assess opportunities for the SLCC to improve its work (either our own processes, or to identify where AI use by firms may be an issue within complaints).

As well as our role as the gateway for all complaints and in dealing with service complaints, the SLCC also has statutory 'oversight' duties. We can accept complaints about how the relevant professional bodies have dealt with conduct complaints, audit conduct related work and oversee professional indemnity arrangements. In addition, we have duties to set out guidance on complaint handling in law firms, to look at consumer experience of the legal services market, and to report on complaint trends. These powers have been evolving, with the Scottish Parliament adding to these areas of our work in 2010, 2014, and 2018.

This year saw a number of positive developments in this area. This includes our first overarching statement on how we will use our oversight to improve the regulatory landscape. We have also completed significant work relating to the Master Policy indemnity arrangements. This secured payments for a number of complainers who had not yet received the redress they had been awarded, and recommended changes that we hope will improve indemnity arrangements for the future. You can read more detail on this work [later in the report](#).

I hope these examples, and the remainder of the report, give an idea of how the staff team seeks to deliver our mission to resolve complaints, prevent the common causes of complaints, and enable quality improvement.

The SLCC at a glance

Our mission is to resolve complaints, prevent the common causes of complaints, and enable quality improvement.

Our vision is that ‘every client receives a professional service, and every lawyer adheres to professional standards’



Every year we receive over a thousand complaints about legal practitioners in Scotland.

This could be a complaint about:

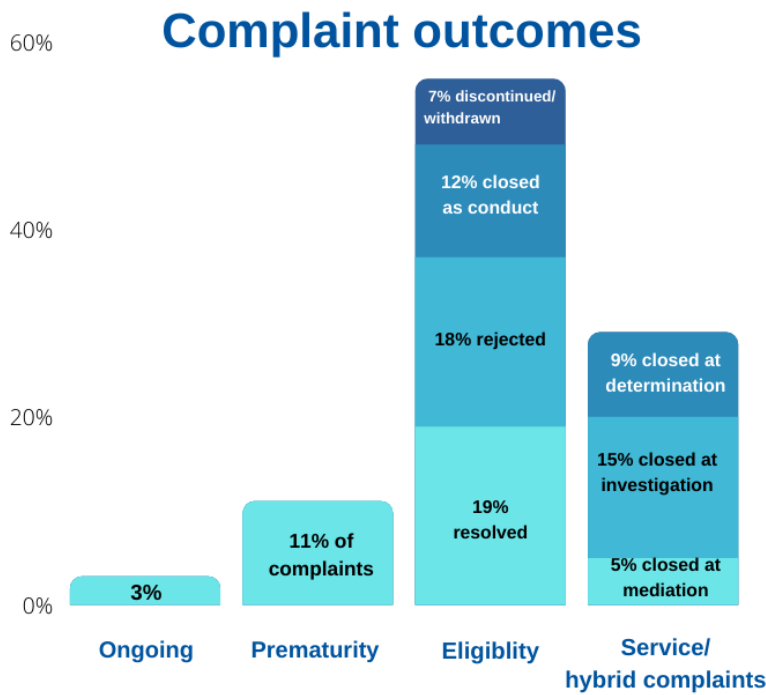
- A solicitor
- A firms of solicitors
- An advocate
- A commercial attorney

Normally we will only look at a complaint where the complaint has already been made to the lawyer, and they’ve had a chance to respond (there are some exceptions).

Our process is a mix of dispute resolution such as conciliation/mediation with formal, legally binding arbitration.



So what happens to complaints made to the SLCC?



Let's see what happened to the complaints made to us in our previous annual report year: 1 July 2019 – 30 June 2020.

(Due to complaint timescales, not all of the complaints received in this annual report year have been concluded yet, so last year's number give a more detailed picture).

Outcome	% of cases
Closed as Premature(and not reopened)	11%
Conduct	12%
Resolved at Eligibility	19%
Rejected at Eligibility	18%
Discontinued/Withdrawn at Eligibility	7%
Service/Hybrid – closed at mediation	5%
Service/Hybrid – closed at investigation	15%
Service/Hybrid – closed at determination	9%
Ongoing	3%

What types of things do people make complaints to the SLCC about?

Here are the top five areas of law we received complaints about in our 2020-21 year:

Area of Law	% of cases
Residential Conveyancing	26%
Executries, Will and Trusts	19%
Family Law	17%
Litigation	15%
Crime	4%

We resolve complaints throughout our process and make final binding decisions on service complaints at the end of our process.

In our 2020-21 year we helped complainers get: £402,966.42 of redress, including:

- £218,826.28 compensation for inconvenience and distress;
- £98,111.14 compensation for financial loss;
- £36,860.78 in fee refunds and reductions and ;
- £49,168.22 in other settlements.

Our Board

The Board of the SLCC sets strategy, ensures good governance is in place and that the performance of the business is being managed, and engages on major issues of policy.

There is an annual cycle, set in statute, of planning our budgets and operating plan, consulting on these, finalising them and laying them in the Scottish Parliament. We then report at year end through externally audit annual accounts, which are again then laid in Parliament. This year the Board reviewed our strategy (which covers the period 2020 to 2024) in light of Covid-19. They made a number of small amendments to reflect the impact on the sector and consumers, the changed business environment, and the learning from remote working.

On a quarterly basis the Board reviews KPIs and performance data, risk registers, financial reports, reports on our progress with our operating plan, reports on customer service feedback, HR reports and reports from the Audit and Remuneration Committees.

The Board also debates key issues of relevance to the SLCC. This includes tracking progress with reform work which may change our legal powers and focus, including the introduction of 'alternative business structures', interim changes to our legislation through statutory instrument and the longer-term debate on regulatory reform. This year the Board also examined equality issues through a review of our equality statement, an examination of the gender balance of our legal advisers, engagement in the public sector summit on race equality and involvement in the 'Fair Justice System for Scotland' discussions.

They also scrutinised performance improvement projects, looked at a new quality assurance framework for Determination Committees and our work on delivering clarity in our communications. They ensured the organisation was listening to the sector by discussing stakeholder engagement and consultation work and listening to consumers through receiving reports from the Consumer Panel. Other important discussions focused on cyber security, learning from appeals of our complaints to the court and reviewing our health and safety statement.

As well as their governance role, our board members also make important decisions on complaints as non-staff commissioners.

In our 2020-21 year, we said farewell to three members who reached the end of their terms and welcomed three new members.

Departing board members:

Amanda Pringle
Michelle Hynd
Emma Hutton

New board members:

Professor June Andrews OBE
Niki Maclean
Frank Gill [Frank has subsequently been appointed a summary sheriff and so has had to resign his SLCC Board position. We wish him all the best in this new role.]

On 1 January 2022 we plan to be welcoming four new board members as four current members finish their terms.

SLCC Consumer Panel

The SLCC Consumer Panel is an independent advisory panel, set up to assist the SLCC in understanding and taking account of the interests of consumers of legal services. This year saw the Consumer Panel advising the SLCC on a number of areas of improvement work.

The Panel fed into discussions on the SLCC's Delivering Clarity workstream, designed to make communications clearer and more accessible. It advised on language to reassure and empower consumers looking to make a complaint, and how to make sure consumers understand what they will be required to do during the complaints process.

The Panel also helped to identify consumer and support organisations who could advise on the challenges and sensitivities of dealing with complaints from some specific groups of vulnerable consumers. This helps to build the knowledge and understanding of SLCC staff, and ensures the organisation is well placed to recognise and support consumers who may display vulnerabilities. This is a core interest for the Panel.

The Panel has continued to highlight the need for the consumer voice to be heard in discussions about reform of legal services regulation. Members have discussed opportunities with the Scottish Government to take an approach which bases solutions on the views of the public as well as the profession and other stakeholders. The Panel believes this is vital in order to deliver reforms that truly meet consumer needs and inspire public confidence. The Panel hopes to see this reflected in the approach to the recently published consultation.

Throughout the year, the Panel provides reflections on the customer feedback the SLCC receives, which informs the development of forthcoming service experience improvements. Members also fed in expertise on best practice in areas such as help or enquiry lines, consumer research and service design.

The Panel brings a wealth of experience and insight on consumer interests. Members use that to advise and assist the SLCC in delivering a complaints system for all users which is accessible, provides clear and understandable information and decisions, and delivers a good customer experience.

Our ongoing response to Covid-19

This business year has been about ongoing refinement, and supporting our staff and our customers in the context of ongoing and changing restrictions on work and lives. If the previous year was about 'crisis' management of the initial impact, then this year has been the 'long haul'.

Last year, we moved swiftly to reassure the profession about how we would respond to complaints relating to this period. This year we looked back through our complaint data and were delighted to see that there hadn't been any significant deterioration in service from law firms during the period. We publicly welcomed this as a testament to the commitment and professionalism of Scotland's legal profession.

One thing that did change was the number of complaints we received. Following several years of increasing complaints, we saw the number of incoming complaints fall significantly during both lockdown periods. In recognition of this, and the positive impact of process improvement work in recent years, we set a reduced complaint levy for our 2021-22 year, including a higher discount for those entering the legal profession.

As part of our 2020-24 strategy, we had already been working on themes to be able to respond better to extreme events, move to a more flexible remote technology platform, and improve our flexible working offering. In so many areas the experience of Covid-19 simply accelerated workplans already committed to in this strategy period. However, like many organisations we were keen to capitalise on the rapid learning that happened due to lockdowns.

Following work by our joint Board and executive working party we did add a '**Respond**' priority to our strategy to emphasise the need to ensure we are responding specifically to the impact of Covid-19 on clients and the sector. We then ensured plans for the remainder of the strategy period placed even greater emphasis and priority on:

- Moving to a fully remote IT model, meaning we can work from anywhere without dependency on an office (our pre Covid-19 approach saw a remote model, but dependent on a central hub)
- A more adaptive and flexible staffing model
- Reviewing our property and facility needs, expecting a reduced need in the future
- Increased delivery of services digitally, for example electronic only client files and video mediation.

Some of this work will already be visible to stakeholders. For example, we'd encourage you to respond to the consultation on new Rules for the SLCC to empower digital working which is underway as this report is published (with a deadline of 1 December for response).

We are excited about, and prepared for, a very different looking future way of working. However, we are also conscious that we are not yet through this pandemic, and all timescales and actions are dependent on national advice or rules on ways of working.

Our customer service and accessibility

While the pandemic had a radical impact on the way we carry out our work, it didn't stop us from continuing to deliver against our 2020-2024 strategy. One of the priorities in our strategy was delivering for our users.

“Good customer experience is at the heart of how we design and deliver services, and feedback drives our improvement work.”

- SLCC Strategy, 2020-24

In the first year of our strategy, we laid the groundwork for this with a number of key projects and initiatives.

We started a two year 'Delivering Clarity' project to review and redevelop our communications at all stages of our process. This was something that we had previously received feedback on from our Board, Consumer Panel and individuals who have used our service.

Alongside this work, we trained all staff on effective writing with a focus on clarity and plain English, and introduced a digital proofing tool to support this.

We launched our Service Experience Team, a cross section of staff with a commitment to customer service. They will be working in all areas of our business to ensure we are listening to users and acting on their feedback about how we deliver our services.

We've also been considering how we can make and keep our service as accessible as possible. This is why we have produced our annual report in html format for the first time this year. We were also aware that if we only focused on digital accessibility, we might be excluding those who don't have the skills, tools or confidence to access online-only services. Because of this we've developed a guide on digital exclusion for our staff, along with a checklist so we can review digital exclusion in all our improvement projects.

Our focus on early resolution

People often think of the SLCC 'deciding' complaints, but the reality is that in many cases we help parties to resolve them so a formal decision is never required. In many cases it is seeing the results from early investigative work and our sharing of an 'initial view' on the complaint which helps parties find a middle ground. On other occasions we operate back and forth between the parties to negotiate an agreed outcome. Only a third of the service complaints we dealt with this year required a formal final decision from a Determination Committee. That means in the vast majority of cases we helped parties find a resolution that worked for them, saving time and stress for everyone, as well as providing a more efficient and satisfactory service.

We know that being complained about can be difficult and can lead firms to act defensively when faced with a complaint. Our aim is to find a way to resolve complaints, wherever possible. This year we developed communications about the things firms could do when a complaint is made against them to help to resolve it as soon as possible.

As part of our 'Delivering Clarity' workstream, we ensured that all of our communications with firms include clear information on how complaints can be resolved, and how we can help with that. Our Spring 2021 issue of Snapshot, our e-newsletter for law firms, focused on dispelling some myths about early resolution, and featured a case study of a complaint successfully resolved during our investigation.

We will continue this focus into the current year, and we hope to see more firms entering into early discussions about resolution. We know this reduces the time and stress for all parties, reduces cost and often leads to more satisfactory agreed outcomes.

Mediation continues to be a key tool for us in helping parties to resolve complaints consensually. Throughout this year, we have continued to offer mediation for appropriate complaints, although these have all been via telephone or video call rather than in person. However, we have continued to see the same high success rates that have become a feature of this service.

Boosting the uptake of mediation continues to be a key focus for us because we believe we could successfully resolve more complaints at an earlier stage if parties could be encouraged to take part. Our data shows that in cases where mediation didn't go ahead, it was more often the complainer than the firm that declined to take part, so we are considering what information and support might help reassure complainers about the benefits of mediation, and the private, independent and flexible mediation process we offer.

Our process improvement

As part of our focus on improvement, we continued to use agile techniques to review, pilot changes and launch improvements to our processes.

Here are a few of the highlights from the many improvement projects we undertook in our 2020-21 year.

Some projects were about realising the benefits of a world fundamentally changed by a shift away from in-person and paper-based working. These included:

- Conducting more mediations by video and telephone
- Taking advantage of the growth of electronic files in the legal sector to explore simultaneous investigations with the Law Society of Scotland
- Internally, testing and deploying changes needed to adapt to remote working, including a new telephone system, dual screens for working from home and more use of online internal forms.

We also continued our focus on improvements that benefit our customers and lead to greater efficiency, including:

- Researching, piloting and refining a new approach to improve how we respond to customers when a complaint is 'premature' (when it has not yet been made to the law firm), based on direct feedback from service users
- Reducing delays at investigation by making full use of our powers to demand information and files
- Making more staff flexible to work between different stages of our process, so we can react more swiftly to changing workloads
- Reducing paperwork at the handover points between different stages.

Keeping this focus on improvement, testing and refinement is now a core part of how we do business. We continue to see clear benefits from it in terms of our reported performance and our customer service.

Our staff and industrial relations

This year we have had a focus on wellbeing to support our staff through the pandemic. Our staff-led Wellbeing and Inclusion Group have run a number of events throughout the year including Movember, Human Rights Day, Christmas around the World, Chinese New Year and Volunteering. We also ran events for Mental Health Awareness in May, this year's theme was being outdoors and the positive impact that can have on our mental health. We finished the year celebrating Pride and invited both Rikki Arundel and Lord Smith to speak to staff, which were really informative sessions.

We also included recognising and managing stress and maintaining wellbeing within our annual training plan to support staff with their mental health. Our Mental Health First Aiders also had a refresher training session and rebranded to Team SLCC.



Our Equalities Survey showed that:

- 73% of our staff are female
- 12% of our staff identify as LGBTQ+
- 33% of our staff are a primary carer and
- 97% of our staff believe the SLCC is a fair place to work.

Our 2020/21 Staff Charity this year was Scottish Mental Health Association (SAMH) and Covid-19 did not stop our staff raising an amazing £4,388. Events included a virtual Stomp, virtual Kiltwalk, various auctions and raffles, a Christmas Advent and staff finished the year challenging themselves by running the virtual Edinburgh Marathon.

Covid-19 has seen an increased risk to the organisation due to an increase in cyber-crime. We take part annually in Cyber Scotland Week and ran awareness sessions on password strengths, phishing emails, scams, ransomware and digital footprints. We also ran an awareness session with our Board and some of them attended a further training session on a Board's role in cyber security.

To meet our Biodiversity duty we published our [three year review report](#) in December 2020, covering our work from 2018-2020. This year staff took part in Climate Week and a Sustainability Week, where we held a 'love food hate waste' workshop, learnt about women leading in sustainability, ideas for reusing household items and how to spring clean sustainably. We also followed our own advice when clearing out our storage area.

Our Key Staff KPIs for this year are:

Staff KPIs	2020/21	2019/20
Average FTE	56	59
Average Sickness Days lost per staff member (including long term sickness)	5.9	13.6
Median Remuneration Ratio	1:2.2	1:2.2
Lowest Remuneration Paid	£23,132	£22,332
Money raised by Staff for Charity	£4,388	£7,014

Our outreach and oversight work

Alongside our complaints handling, the SLCC takes action to help to influence improvement in the legal services consumers receive, the way complaints are handled across the sector, and the overall system for legal regulation, complaints and redress.

This year, despite continued restrictions on in-person training events, we worked hard to reach out across the legal profession with guidance and advice about the common causes of complaints, good complaint handling and engaging with the SLCC complaints process. We also sought feedback from the profession on key issues facing them, and the support we could provide. That included:

- Delivering 17 outreach events across the sector, including 1:1 sessions with individual firms, group sessions, conferences and university diploma courses
- Speaking directly to firms about identified issues of concern arising from complaints we see
- Issuing a quarterly CRM newsletter covering topics such as early resolution, third party complaints, price transparency and supporting and supervising trainees
- An online survey with the profession to help us understand their views and experiences on identifying and resolving complaints made to them, and reducing the common causes of complaints
- A discussion session with Client Relations Managers focused on dealing with third party complaints
- Significantly increased digital and social media content aimed at the legal profession using key messages from our outreach work.

We continued to deliver our oversight duties in scrutinising how the professional bodies deal with conduct complaints about their members. We consulted on, and then launched, a new [overarching framework and approach for using our oversight powers](#). This will guide our future work in this area.

This year we saw an increase in the number of handling complaints made to us. We continue to monitor this trend closely. As part of our handling complaints process, we can and do make recommendations to the professional bodies on improving their systems for handling conduct complaints. Full statistics on the handling complaints we dealt with are in the statistics section of this report.

We also continued dialogue with the Law Society of Scotland and others as part of our oversight of professional indemnity insurance arrangements and the Client Protection Fund. This included successful work to secure payments for a number of complainers who had not yet received the redress they had been awarded. We were also able to observe the tender for the Master Policy broker, and have recently published a report on the indemnity arrangements. We would like to thank the Law Society of Scotland for their constructive engagement on this work.

Our contribution to national performance

While the SLCC is an independent body, the work we do is influenced by the Scottish Government's National Performance Framework.

We contribute through the delivery of our functions to the following outcomes:

- (i) We live in communities that are inclusive, empowered, resilient and safe**
- (ii) We are creative and our vibrant and diverse cultures are expressed and enjoyed widely**
- (iii) We respect, protect and fulfil human rights and live free from discrimination**

Our process is inclusive of all members of the community by being free to those raising issues and through our work to ensure it is as accessible as possible. Our statutory duty to provide advice on making a complaint ensures we empower citizens. By resolving disputes, we ensure parties do not resort to other means, and that fair redress is awarded where appropriate, assisting resilience and safety. We make sure an approachable and professional service is provided, which is especially important for vulnerable users. Resilience for communities includes ensuring their access to justice, and our continued work to deliver all services during the Covid-19 response supports this.

We actively support diversity and inclusivity, and this work is acknowledged in our staff equality survey results. We have an active staff wellbeing and inclusion group and annual staff-initiated charity fundraising, which have been vital tools this year in supporting individual staff, teams and an inclusive organisational culture, as we have continued to primarily work remotely.

- (iii) We have a globally competitive, entrepreneurial, inclusive and sustainable economy**
- (iv) We have thriving and innovative businesses, with quality jobs and fair work for everyone**

The legal sector is a large employer and net contributor to the Scottish economy. Effective redress mechanisms, as provided by the SLCC, encourage consumer confidence and consumer spending. We ensure our rules and statutory guidance do not artificially limit growth or innovation. This year we have reviewed our rules to ensure they are fit for purpose in a digital world. Our outreach work aims to improve law firms' risk management, customer service and complaint handling, which can all help to create thriving businesses. We have continued to monitor, consult on and reflect on the impact of Covid-19 restrictions in our decisions about how we delivered our statutory duties.

Our statistics

Overall complaint numbers

Our workload includes complaints received in previous years which are still in progress, as well as new complaints received within the year. There are also a small number of complaints reopened every year. Most of these were ‘premature’ – the complaint had been made to us before the lawyer or firm had a chance to consider it. If the complainer has not received a satisfactory response, we will reopen the complaint.

How many complaints did we receive and how many complaints did we close?

	2020/21	2019/20
Complaints still open from previous year	436	685
New complaints received	1054	1036
<i>(of which complaints about solicitors)</i>	1033	1013
<i>(of which complaints about advocates)</i>	21	23
Complaints reopened	84	92
Complaints closed at all stages	1186	1402
Complaints open at end of year	388	436*

*There are some complaints that may be opened or closed for other reasons, this is why the numbers here do not reconcile completely.

What process stage were complaints closed at?

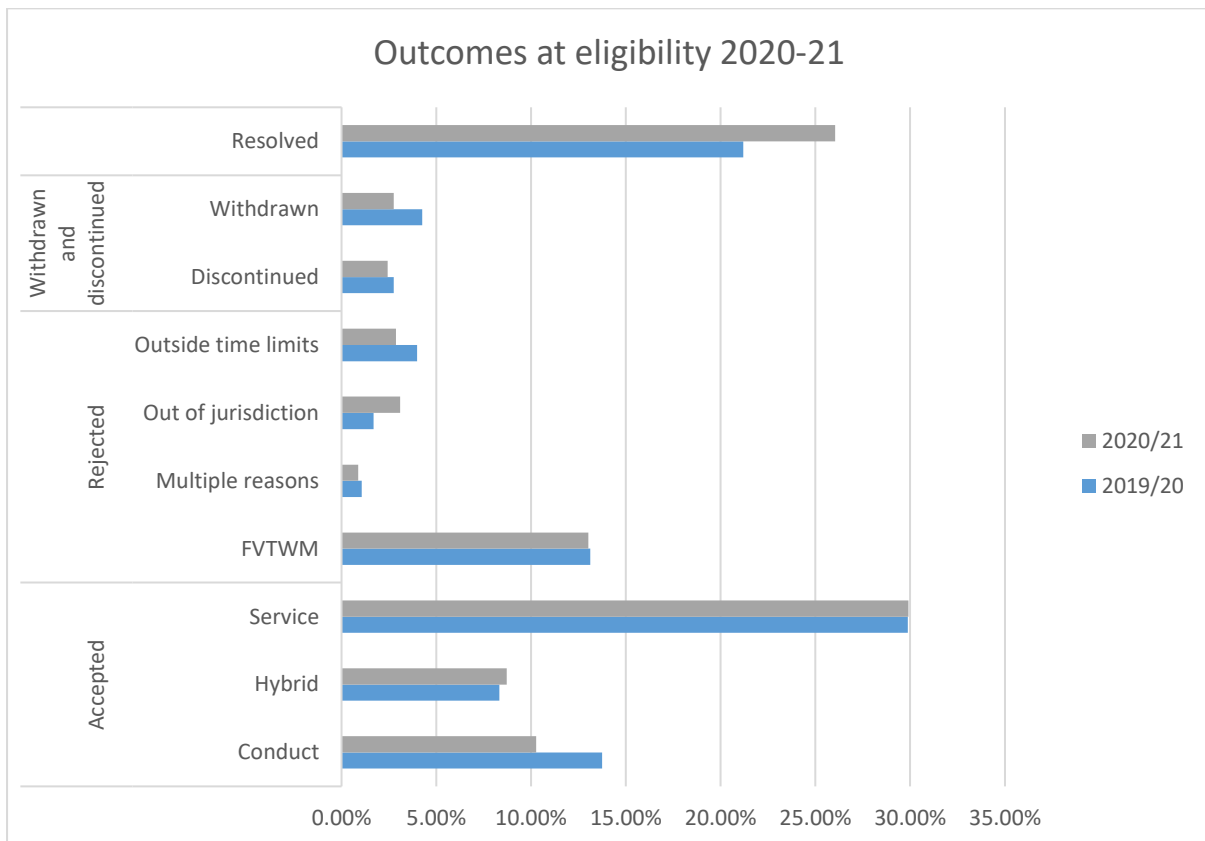
Stage:	2020/21	2019/20
Initial stages: Prematurity	196	215
Initial stages: Eligibility (includes accepted conduct)	545	697
Accepted service complaints: Mediation	90	45
Accepted service complaints: Investigation	224	247
Accepted service complaints: Determination	131	198

Outcomes at eligibility stage

Once a complaint has been made to us, we will then assess whether or not it is a complaint that we can accept for further investigation. We may also be able to negotiate a settlement between the complainer and the lawyer or firm before a formal decision to accept or reject – if the complaint doesn't raise serious conduct issues.

How many complaints did we accept, reject or resolve at the eligibility stage?

	2020/21	2019/20
Complaints accepted for investigation	443	567
<i>(of which complaints about solicitors)</i>	437	553
<i>(of which complaints about advocates)</i>	6	14
Complaints rejected for investigation	180	224
Complaints closed before a decision to accept/reject	283	318



(FVTWM stands for 'frivolous, vexatious or totally without merit').

What kind of complaints did we accept for investigation?

	2020/21	2019/20
Service complaints accepted for an investigation by the SLCC	271	337
Conduct complaints accepted for an investigation by the Law Society of Scotland or the Faculty of Advocates	93	155
Hybrid complaints where the service parts are investigated by the SLCC. The conduct parts are investigated by the Law Society of Scotland or the Faculty of Advocates	79	94

Why did we reject complaints for investigation?

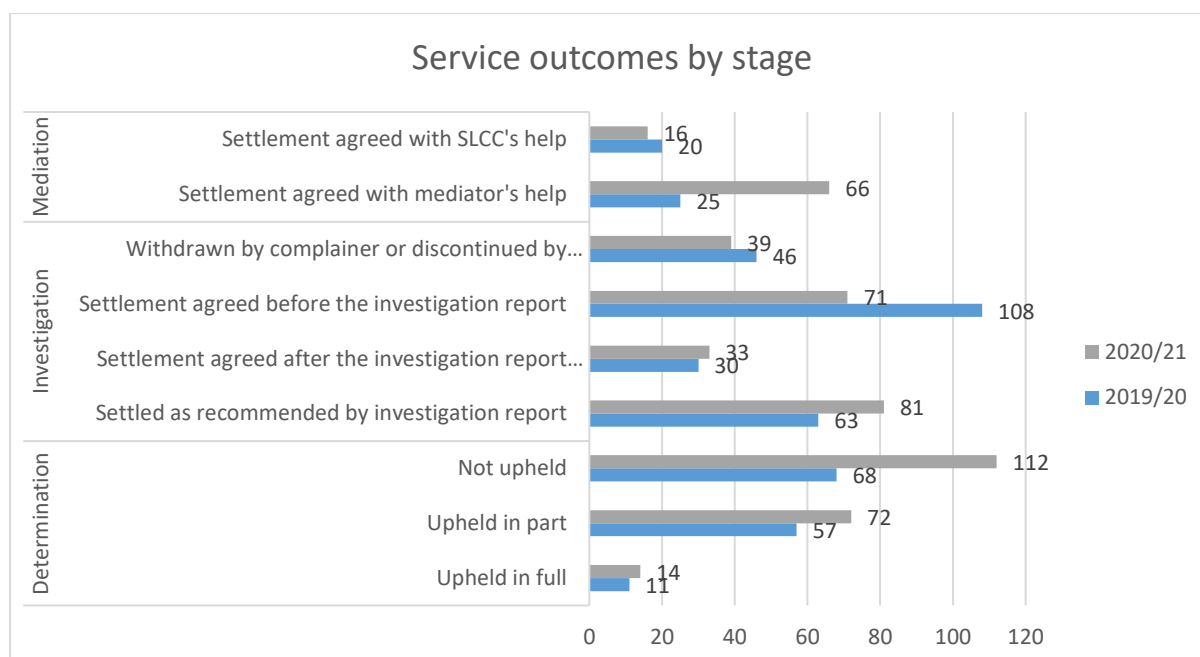
	2020/21	2019/20
The whole complaint was made after the time limit	26	45
The whole complaint was 'frivolous, vexatious or totally without merit'	118	148
Some parts were after the time limit. The rest were 'frivolous, vexatious or totally without merit'	8	12
The complaint wasn't about a regulated legal practitioner in Scotland	28	19

What complaints were closed before a decision to accept or reject?

	2020/21	2019/20
Resolved (see below for details)	236	239
Withdrawn (see below for details)	25	48
Discontinued (see below for details)	22	31

What these terms mean:

- **Resolved:** The complainer requested or agreed to the closure of complaint as a result of action taken by lawyer/firm or the complainer accepted our initial view the complaint was time-barred or incapable of being upheld (based on merits), or failed to respond to the initial view.
- **Withdrawn:** The complainer requested closure of their complaint for unknown reasons, or reasons not related to action taken by lawyer/firm.
- **Discontinued:** The complainer did not respond to requests for further information about their complaint, despite a reminder and a warning their complaint would be closed.



How many complaints were settled at the mediation stage?

Before we start investigating a service complaint, we give the complainer and the lawyer or firm an opportunity to attend a mediation meeting, led by an independent external mediator.

	2020/21	2019/20
Both sides agreed a settlement at a meeting with the help of an independent mediator	66	25
Both sides agreed a settlement with the help of the SLCC's mediation co-ordinator	16	20

A further 8 complaints were closed at mediation stage.

How successful were mediations?

	2020/21	2019/20
Both sides agreed to a mediation meeting	30%	26%
The mediation meeting was successful	75%	67%

How were complaints settled at the investigation stage?

At investigation stage, an SLCC investigator will work with both parties to agree a settlement to the complaint.

This can be the settlement recommended by the investigator in a detailed investigation report to uphold the complaint and award compensation or a fee refund, or a recommendation to not uphold the complaint and take no action.

The investigator can also help agree a settlement before they've written the report.

Other times, a settlement is agreed after the investigation, but on different terms to the investigation report.

	2020/21	2019/20
Settlement agreed before the investigation report	71	108
Settled as recommended by investigation report	81	63
Settlement agreed after the investigation report on different terms	33	30
Withdrawn by complainer or discontinued by the SLCC due to lack of contact from the complainer	39	46

How were complaints decided on at the determination stage?

If one or both of the parties don't agree to the investigation report, the complaint will be passed to a Determination Committee. This is a committee of three of [our Commissioners](#) which looks at the complaint and makes a binding decision on whether it should be upheld as inadequate professional service.

	2020/21	2019/20
Whole complaint was upheld by the Determination Committee	10	14
Parts of the complaint were upheld by the Determination Committee	47	72
None of the complaint was upheld by the Determination Committee	74	112

What were the outcomes of appeals against the SLCC's decisions at the eligibility and determination stages?

Decisions to accept or reject complaints at eligibility and determination committee decisions are appealable to the Court of Session.

	Eligibility	Determination	Total
In progress at the start of the year	8	2	10
Received	6	3	9
Won	7	1	8
Lost	1	0	1
Conceded	1	1	2
In progress at the end of the year	5	2	7

What happened with handling complaints about the professional bodies?

We also receive complaints about the way the professional bodies carry out conduct investigations.

	Law Society of Scotland	Faculty of Advocates	Total
In progress at the start of the year	10	0	10
New	14	1	15
Rejected – with reason	1	1	2
Accepted for investigation	13	0	13
Withdrawn	1	0	1
Closed on report	19	0	19
In progress at the end of the year	3	0	3

Scottish Legal Services Ombudsman complaints

10 years after the Scottish Legal Services Ombudsman was disbanded and its powers were transferred to us, we can still receive complaints that are under its powers. We received one complaint under these powers this year. It was still under investigation at year end.

What were the outcomes of complaints about our service?

We received 29 complaints about the way we'd handled a complaint made to us. These 'service delivery complaints' are dealt with by a manager who has not been involved with the case. If these aren't resolved, or the person complaining isn't happy with the response at 'stage 1', they are escalated to a senior manager for 'stage 2'.

Service delivery complaint outcomes

	Stage 1	Stage 2
Upheld	0	0
Partly Upheld	3	0
Not Upheld	18	7
Resolved	0	0
Withdrawn	0	0
Other	0	0
Total SDCs	21	7

How did the SLCC deal with Freedom of Information enquiries made?

We are a public authority under the *Freedom of Information (Scotland) Act*. We received 24 requests for information during our year.

Requests and responses	Number
Requests received in year	24
Requests responded to on time in year	23

Requests dealt with in year	Number
Request was unclear	1
Withdrawn by requester	1
Disclosed all information	5
No information disclosed	7
Disclosed some information	9
Refused to confirm or deny whether the information was held	2
Refused as the cost in preparing the information would be too high	1

Exemptions used in year	Number
The information was otherwise accessible	24
Disclosure prohibited under another enactment (e.g. section 43 of our legislation)	5
Substantial prejudice to effective conduct of public affairs	2
Personal data of the applicant	2
Third party personal data	1

Reviews of our responses to Freedom of Information requests	Number
FOISA reviews	3
FOISA review - wholly/partially upheld	3

Data protection

We receive subject access requests under data protection law.

	Number
Subject Access Requests	36

CEO's closing remarks

Last year I closed by saying that, for a whole variety of factors, we faced a unique year of uncertainty. While Covid-19, its impact on the sector and key institutions, the ongoing impact of Brexit, and a return of focus to the climate emergency mean that uncertainty remains, for our business this does not feel the defining factor for the coming year. Instead, it perhaps feels like a year of opportunity, even if these opportunities are often borne from difficult circumstances.

Reform

After years of discussion, and for the first time, it really feels as if we'll make progress on reform. We have recently seen the publication of [Legal Services Regulation Reform in Scotland](#), which consults on potential models for reform of regulation, complaints and redress. The SLCC has long called for future-focused reform, dating back to our [Reimagine Regulation](#) paper, published in 2016. Since then, [polling](#) has shown that the public want to see a system that is independent, accountable and transparent. We're look forward to contributing to this consultation, and to playing our part in the move towards a system of modern, agile legal regulation fit for 21st century Scotland.

We also believe we may see implementation of the Legal Services (Scotland) Act 2010 and the first fully authorised regulator of new business models. This would be progress for the legal businesses, and consumers. It also strategically changes the position of the SLCC, moving us from holding powers of oversight of conduct complaints and indemnity of the current relevant professional organisations, to being able to accept any complaint about how a new regulator operates. In preparing for this, we have looked to other 'regulators of regulators', who hold similar powers, like the Legal Services Board or Professional Standards Authority. The standards and policies we apply in dealing with these types of complaints, on issues from equality, to competition in the sector, to access to justice, will be a part of shaping how regulation overall works.

Finally, following a consultation this year, we also expect to see draft regulations brought forward to make some amendments to the current complaints system using subordinate legislation. If all three of these reforms do progress, then by the end of the coming year our future plans may look very different, and long debated improvements for lawyers and consumers alike look more tangible.

Refine

Over the last four years we've been on a huge improvement journey. Our core performance is stronger than ever, and the focus has moved from the easily measurable areas of complaint handling times and backlogs, to quality, clarity of communication and customer service. Reporting on our progress with these will be more qualitative in the coming year, and sits alongside maintaining the gains made in efficiency made over the last four years. This is accompanied by an environment where complaints have fallen, and we have reduced resource to take account of that. We were pleased to reduce the levy for all lawyers at the start of the year, and will continue to look at the value we deliver.

Reengineer

I have already discussed our response to date on Covid-19. Looking forward, by the end of this coming year we hope to have significant parts of a new operating model in place, and have published plans for any remaining elements be in place by the end of 2023.

My closing comment must be a thanks to the staff team – Covid-19 has been tiring, change can be tiring, but they have bought energy and enthusiasm every day, and are up for making the most of these opportunities. They are key to everything we deliver for the sector and consumers.