

What happens to the complaints?

If the complaint is about conduct, we refer it to the relevant professional organisation to investigate. (Although we do oversee how they do this).

If the complaint is about service, we look at it in detail. (If it is about both conduct and service, it will have two separate investigations, one with us and one with the professional body).



We usually offer mediation as the first step for accepted service complaints. This is done by an external mediator (rather than one of our staff) and is a highly successful way of helping people agree a settlement on their complaint about a lawyer or firm. **75% of mediations** were successful in our last year and **44 complaints** were resolved this way.

If the offer of mediation hasn't worked, one of our trained investigators will request and review any information they consider is necessary to establish what has happened to lead to a complaint. Very often, they will see an opportunity to help the two parties agree a settlement to resolve the complaint. In our last year, **45 complaints were 'resolved by conciliation'** in this way.

If this isn't possible, they will write a detailed report on the complaint, along with a recommendation and a proposed settlement – this can be 'no action', but may be compensation, fee refunds, fee reductions or other actions to put right inadequate professional service (if there has been any). If both parties agree with the recommendation, the complaint is resolved – **65 complaints were 'resolved by report'** in our last year.



If one or both parties don't agree with the report, the recommendations or the proposed settlement, the complaint goes before a committee of our board members (with a majority of non-lawyer members). They will look at the report but will make their own binding decision ('determination') on the complaint. In addition to any redress awarded to the complainer, they can also charge a 'complaints levy' on the lawyer or firm, if there is a poor complaints record, or there's been a failure to co-operate with us. In our last year, **58 complaints** were wholly or partly upheld at this stage. 44 complaints weren't upheld. However, a majority of complaints (56% in our last year) are resolved before this stage.

In our last year, the total amount of redress awarded or agreed at all stages in our process (including compensation, rebates and refunds) was **£324,400**

Who manages the SLCC? How is it funded?

We are independent of the Scottish Government and receive no public funds. Instead, the legal profession pays for the complaints service through a 'general levy'. This is collected each year by the relevant professional bodies from their members. We consult on this levy as part of our budget process every January.

Our Board members and Chair are appointed by the Scottish Government in consultation with the Lord President, the most senior judge in Scotland. As well as performing a governance role, they also make independent decisions on those complaints which cannot be otherwise resolved. Our Annual Report and Annual Accounts are approved and laid before the Scottish Parliament by the Minister for Community Safety and Legal Affairs.



Annual Review 2017



What is the SLCC?

We are an independent public body, set up to deal with complaints about lawyers or law firms in Scotland.

Our main purpose is investigating whether or not an adequate professional service has been provided to consumers by lawyers or law firms. Complaints about the conduct of lawyers are sent to relevant professional body (such as the Law Society of Scotland or the Faculty of Advocates).

We also monitor and try to improve complaint handling in the legal profession, including the legal professional bodies.



How do people make a complaint to you?

First we need a completed complaint form – we can't do anything until we have this. These can be submitted online through our website, but are also available in electronic and hard copy formats.

We need to check a few things before we can take a complaint further:

- > Has the lawyer or firm complained about had a reasonable opportunity to deal with the complaint? In **25%** of complaints in our last year they hadn't. Has the complaint been made to us within our time limits? In **7%** of complaints in our last year they hadn't.
- > Does the complaint meet the legal test for being "frivolous, vexatious or totally without merit"? While this is difficult for people to hear, we have to use these criteria. We rejected **13%** of complaints made to us in our last year for this reason.

During this process, we also have to categorise the complaints as being about the service provided by a lawyer or firm, or about the conduct of an individual lawyer. There can also be complaints with separate elements of both service and conduct.

How many complaints do you get a year?

In the last year we received **1,132** complaints

In our last year:

13% of complaints made to us were accepted as eligible service complaints

7% of complaints made to us were accepted as eligible conduct complaints

19% were accepted as eligible complaints with separate elements of conduct **and** service



In addition, **11%** of the complaints made to us we resolved by helping the complainer and the lawyer or firm agree a settlement. (This is only suitable when the complaint is not about conduct or other public interest matters).

There were also **3%** of complaints which were withdrawn or discontinued before we completed the assessment.

43% of complaints to us are about a failure to communicate effectively

15% are about a failure to provide information

14% are about a failure to give adequate advice

8% are about delay

6% are about a failure to prepare adequately

6% are about a failure to follow instructions

And **8%** are about other subjects (each less than 5% of the total).

We use this data to give focused training and guidance for lawyers to help them improve their service.

What do you get complaints about?

The types of legal transactions we received most complaints about in our last year were:



Residential conveyancing
buying or selling a house
23%



Litigation
this covers a range of civil court actions
20%



Executories, wills and trusts
the writing of wills and the 'execution' of them to distribute a deceased person's belongings and assets
15%



Family law
for example, divorce or child residence
12%



Criminal law
criminal defence
8%

There was also a long list of other business areas, each with less than **5%** of the total (22% when combined).

We've now produced guides for consumers on avoiding issues in four of these different areas.