



scottish legal complaints commission **slcc**



Making a complaint

about a lawyer (solicitor, advocate, commercial attorney or conveyancer)

What we do

We are the first point of contact for all complaints about lawyers in Scotland.

Each year, more than 2,000 people contact us about problems with a lawyer.

We receive complaints about all sorts of legal services, from buying and selling houses to criminal law.

So if you feel you've had a poor service or are unhappy about the way a lawyer has

behaved, you can get in touch with us.

We are an independent body and we will be fair and impartial when we consider your complaint. Our service is free.



How to make a complaint

1. Check our time limits

There are time limits for making your complaint.

The time limit will depend on what type of complaint you are making.

Because of the time limits, it's a good idea to make your complaint as soon as possible after you become aware of the issue.

You can find information about time limits on our website. Or, if you get in touch, we'll let you know which time limits apply.

2. Tell your lawyer

Tell your lawyer what you're unhappy about. Be clear and specific about what your concerns are. This gives them the opportunity to put things right with you.

Normally, we can only look at a complaint if the lawyer or firm has had the opportunity to resolve things with you first. We recommend that you give them at least four weeks to respond.

If you are having difficulty contacting the lawyer, please get in touch with us.

Who we can look into complaints about

- Solicitors
- Advocates
- Commercial attorneys
- Licensed conveyancers



How to make a complaint

3. Fill in a complaint form

When you contact us, we'll ask you to fill in a complaint form.

You can fill in the form online or download one from our website.

Or, you can call us on 0131 201 2130 and we will be happy to email or post a complaint form to you.

“ Normally, we can only look at a complaint if the lawyer or firm has had the opportunity to resolve it first. ”

Information we'll ask for

- The name and address of the lawyer or firm
- The date you instructed the lawyer and the date when the service ended
- The date you first became aware of the problem you are complaining about
- The date you first told the lawyer or firm about the complaint
- A copy of your complaint
- A copy of any response you have received
- What you are looking for in order to resolve the complaint

Our process

The first thing we need to do is check whether you have made your complaint to us too soon. This is because we can normally only look at a complaint if the lawyer has already had an opportunity to put things right. We call this the 'prematurity assessment'. If you can show that the lawyer has had this opportunity, we can move on to the process below.

1. Eligibility

Next, we need to decide if we can investigate your complaint. We call this the 'eligibility' stage.

At this stage, there are some checks we need to do. For example, we need to check that you have made your complaint within the time limits and that it is about something we can deal with.

At this stage, we will also decide whether the complaint is about the lawyer's service or conduct (or both). If the complaint is about their conduct and we decide it should be investigated, we will send it to the relevant professional body, for example the Law Society of Scotland.

Some complaints are resolved at this stage. Others are not accepted for investigation.

2. Mediation

We might offer you the option of mediation, if we think this is appropriate.

Mediation gives you and the lawyer the opportunity to reach a fair solution with the help of a professional mediator.

The mediator is neutral and is not a member of our staff.

Mediation is free and is usually much faster than a formal investigation.

Around 70% of complaints where people accept the offer of mediation are successfully resolved.

Mediation usually takes place at our offices, but can take place at other venues which are suitable for you and the lawyers involved.

In some cases, we can also organise mediation via Skype or telephone conference.

3. Investigation

If mediation does not settle the complaint, we will carry out a formal investigation.

This is a thorough process which can take a number of months.

During the investigation we will ask both you and the lawyer to tell us what happened. We will find out the facts, examine relevant documents and take into account all the information you and the lawyer provide.

Throughout the investigation, we look for opportunities to resolve the complaint.

If this isn't possible, the case investigator writes a report setting out their recommendations and any proposed settlement.

If both you and the lawyer accept the report your complaint about service is resolved and goes no further.

4. Determination

If either you or the lawyer does not agree with the proposed settlement, the complaint is referred for determination (a formal decision).

At this stage, a committee of our board members (one lawyer and two non-lawyers)

makes a formal decision about your complaint.

This decision is binding – it can only be changed by the Court of Session.

Action we might take

- Recommend the lawyer or firm apologises
- Tell the lawyer or firm to reduce or refund your legal fees
- Tell the lawyer or firm to pay compensation
- Tell the lawyer or firm to do the work again to correct what went wrong

Frequently asked questions

Does it cost anything to make a complaint?

No - our service is free.

Is there a deadline for making a complaint?

Yes - time limits apply. These depend on what type of complaint you are making. You can find out more about the time limits on our website:

www.scottishlegalcomplaints.org.uk

How long does it take?

It varies from complaint to complaint. Legal complaints are often very complicated and our formal investigation process is thorough. Throughout this process, we will try to resolve the complaint between you and the lawyer. If this is successful, it is often a much shorter process. The FAQ section on our website has up-to-date information on time frames.

Is the process like going to court?

No - we are much less formal than a court. We won't ask you to present your 'case' in person. Normally, we'll discuss things with you over the phone and in writing and will ask you for the information we need. If you have specific communication needs or preferences, please let us know and we'll do our best to meet these.

I am unhappy with my lawyer's bill. What can I do?

If you are unhappy with the fee, but satisfied with the quality of service, you should do the following.

- Look at the terms-of-business letter you will have received from your lawyer. This should have information on how the fee would be charged.
- Speak to your lawyer about this first. They may be able to explain how they calculated the fee. If you are still not happy you should contact the firm's Client Relations Manager.
- If there is still no agreement, you can ask to have your file audited by the Auditor of Court. This process is called taxation. The auditor can lower or raise the fee to what they consider to be fair and reasonable.
- If the fee you are asked to pay is far more than what you were told to expect, we may be able to look at your complaint.

Can you provide me with legal advice?

No - we can only advise you on how to make a complaint and on our complaints process. We cannot help you to find a lawyer or help you in any legal proceedings. The Scottish Independent Advocacy Alliance (www.siaa.org.uk) might be able to suggest a local advocacy organisation who can help you, or your local citizens advice bureau (www.cas.org.uk) may be able to help.

Can I complain about someone else's lawyer?

Yes - we call this a 'third party complaint'. Anyone can complain about a lawyer's conduct. And anyone who appears to have been directly affected by a poor service provided to a client can make a complaint.

Do I need to complain to the lawyer first, even if I was not their client?

Usually, yes. We can only deal with a complaint if the lawyer has been given a reasonable opportunity to deal with it themselves. If you feel there are circumstances which mean you are unable to make a complaint direct to the lawyer, you will need to tell us about these when you send us your complaint form, so we can consider the position fully.

Do I need a legal representative to help me make a complaint?

No - you don't need to pay someone to complain for you. We want to hear from you in your own words. And we'll explain anything that you're not sure about.

Can someone help me to make a complaint or complain on my behalf?

Yes. If you prefer, someone can complain on your behalf or help you to make a complaint. You could ask a friend, a relative or anyone else you trust. Your local citizens advice bureau (www.cas.org.uk) can also help you make your complaint.

If you have mental-health issues, you may be able to get help from an independent advocate to make a complaint. To find out about advocacy in your area, contact the Scottish Independent Advocacy Alliance (www.siaa.org.uk).

If I instruct a lawyer to make the complaint for me, will you refund the cost of this?

No - we do not normally refund the cost of instructing someone to make a complaint to us.

What happens if I am unhappy with your decision?

You can appeal to the Court of Session. You must usually appeal within 28 days of our decision. See our [Appeals leaflet](#) for more information.

If I'm unhappy with the service you provided, what can I do?

You can make a complaint about our service to us. This will be investigated by one of our management team. Information about how to make a complaint about our service is on our website. We are committed to providing a high standard of service and we value your feedback.



0131 201 2130

If you would like this information in another format (such as audio, large print or Braille), please contact us. Our 'How to make a complaint' leaflet is available in four other languages on our website.

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12-13 St Andrew Square
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**Website: www.scottishlegalcomplaints.org.uk
Email: enquiries@scottishlegalcomplaints.org.uk
Twitter: [@slccc_complaints](https://twitter.com/slccc_complaints)**