



## ANNUAL REPORT

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# SCOTTISH LEGAL COMPLAINTS COMMISSION

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2021 - 2022

SG/2022/239 – Scottish Legal Complaints Commission Annual Report 1 July 2021–30 June 2022. Laid before the Scottish Parliament by the Scottish Ministers under section 16(4) of Schedule 1 to the Legal Profession and Legal Aid (Scotland) Act 2007, December 2022.

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## Chair foreword

Looking back on another year of continued change and adaptation – and with more to come – I am immensely proud of how the SLCC has moved from reacting to difficult circumstances to seizing the opportunity for change to support our customers and our staff.

The SLCC is an organisation that embraces change and improvement. It's a core part of our values and culture that we constantly challenge ourselves to do better, to question orthodoxies and to test new approaches. That approach has helped us to make significant improvements to our performance over recent years, making us more efficient, more accessible, and more focused on the things that matter to our customers.

This year we have continued to deliver major multi-year improvement projects as well looking at people, property and IT. These consolidated and built on changes in how we and the sector operated over the last two years which have opened up the opportunity for new and more efficient ways of working. We were delighted to see this improvement work recognised at the Holyrood Public Service Awards this year.

That improvement is only possible because of the continued commitment, creativity and hard work of our staff team, and I record my thanks to them for all the great work they do. I also want to say a special thank you to our Board, who have continued to provide strong leadership through a time of both external and internal change.

The impact of that improvement is felt directly by those who bring complaints to us and by the lawyers complained about – their complaints are being dealt with more swiftly and are more likely to be resolved consensually. That efficiency, coupled with lower numbers of incoming complaints during lockdown periods, meant that the Board was able to reduce the levy which funds our work over the past two years.

As complaints rise again, and with many possible efficiencies now achieved, we can clearly see the remaining key blocks on improvement are those which the SLCC cannot tackle alone. The Scottish Government's commitment to legislative change is very welcome. That reform must remove the barriers to improvement in our complex regulatory system and create a streamlined complaints system that works efficiently and effectively for all.

This will be my last annual report, as I step down as Chair at the end of 2022. Five years ago, as I took up post, a government-commissioned independent review was considering its recommendations to reform and modernise the statutory framework for the regulation of legal services and complaints handling. Despite the potential implications for the SLCC itself, we have continued to support this aim and to call for action to achieve it. We do that because we see every day the impact of the current system on both consumers and lawyers. We think they deserve better.

I have also flagged specific challenges which add to cost or delay and could be addressed in legislation. These include charging firms based on complaints risk or record, direct access to contact information for lawyers, better insight into first tier complaints (those handled by firms) to allow common causes of complaints to be tackled, and access without delay to files to be able to commence investigations. We continue to hope these are tackled by reform.

The SLCC has worked tirelessly to improve the service it provides within the legislative restrictions we face. We have worked collaboratively with others to seek interim improvements to those restrictions, although they have proved challenging to deliver. We have taken on additional oversight powers and worked swiftly to ensure they work in practice. We will continue to innovate and improve, while calling for much needed reform.

## CEO intro

When planning our strategy and annual plans at the SLCC one question we often ask is whether we have the right 'tools' to deliver the outcome we want. This might be IT, professional expertise or people. It might also be models which help us challenge and change how we work. In the last few years we've used 'Lean Six Sigma' and 'Agile' methodologies to drive the efficiency of our process.

These techniques have had a positive impact, visible in our core performance. This year we were delighted the work was externally recognised with us winning the Project and Programme Management Award at the Scottish Public Service Awards in December for our Agile work.

This year we wanted to think more about our customers, and build on our strategic theme to use 'service design' techniques to challenge us to improve how we deliver services. This set of approaches focus on how customers experience a service.

We were delighted to work with the Scottish Service Design Academy to deliver training to our team. It was one of a number of successful collaborations in the year, which also saw us looking at data in new ways in collaboration with the DataLab and their internship programme.

These design principles then fed into key discussions and projects where we thought we could make a real difference:

- Canvassing the views of the profession in roundtables
- Seeking feedback from complainers and lawyers on our contact offering (phone, email etc.)
- An accessibility review of our website
- Creating an app to make it easier to schedule mediations with complainers and lawyers
- A review of our quality framework, with a focus on what 'quality' means to users.

You can read more about these, and other projects, throughout the annual report.

Our service design focus has also been at the heart of our position on reform. We need to understand what it is like to be a complainer, and what it is like to be a lawyer complained about – how does the process look and feel, what time does it require parties to invest, and what impact does it have.

We have seen in the 2007 Act it is easy to draft a process which perhaps looks workable in legislation, but which no set of users is happy with when actually proceeding through it. For example, both lawyers and the public find it complex and confusing when a single complaint travels through multiple bodies, with different legal tests applied, and the time and duplication that all leads to.

It is also hard to predict how services work in practice, and our needs and preferences can change and be quickly influenced by other aspects of life. This also means processes need to allow flexibility in the future.

*While it's tempting to want to check off the box and move on, designing a service is never done. It's only over when you go out of business.*

*Jamin Hegeman, This is Service Design Thinking, pg. 353*

Sometimes meeting one customer need can create challenges on another front. Lawyers, consumers and professional bodies all call for a faster process. However, often we see a failure to respond timeously or repeated request for extensions. We have to balance trying to deliver the need for prompt resolution with the need for fairness in allowing extensions in reasonable circumstances. Where time limits are set in statute or rules, we've also been becoming much firmer in enforcing the expectation set by Parliament. As this issue has not been improved by efforts over the last five years we plan to invest further in coming year in tackling lawyers' non-compliance with statutory deadlines.

As we move forward, we hope that new legislation, and then our ability to innovate within that, can meet the aspiration of service design:

*"making the service [we] deliver useful, usable, efficient, effective and desirable."*

*UK Design Council, 2010, This is Service Design Thinking, pg. 30*

## 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 firm 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).

We aim to resolve complaints informally where possible using conciliation and mediation. Where this is not possible, we can make formal binding decisions (called a 'determination' in our legislation).

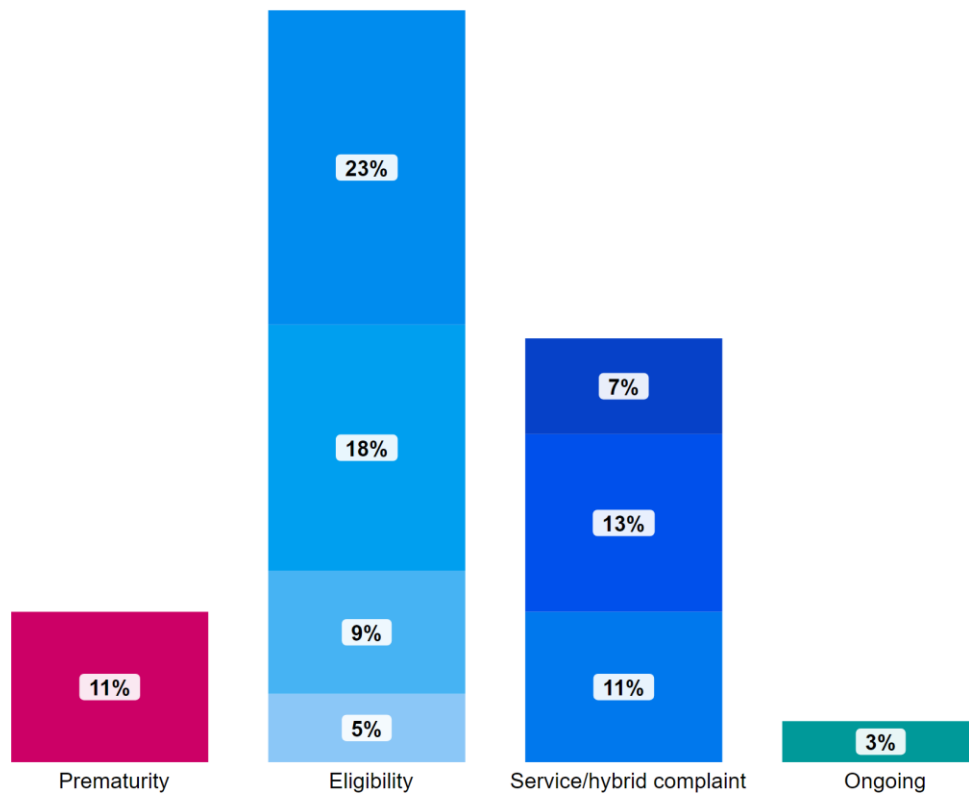


### So what happens to complaints made to the SLCC?

Let's see what happened to the complaints made to us in our previous annual report year (1<sup>st</sup> July 2020 – 30<sup>th</sup> June 2021).

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

Outcome	% of cases
Prematurity	11%
Conduct	9%
Resolved at eligibility	23%
Closed before accept/reject decision	5%
Rejected at eligibility	18%
Service/hybrid – closed at Mediation	7%
Service/hybrid – closed at Investigation	13%
Service/hybrid – closed at Determination	11%
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 2021-22 year:

- Residential Conveyancing 24%
- Executries, Wills and Trusts 23%
- Family Law 15%
- Litigation 11%
- Personal conduct 7%



## Subjects

Communication	22%
Failure to act in the best interests of the client	18%
Trust & Personal Integrity	9%
Delay	8%
Failure to advise adequately	8%

## Redress

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

- £240,586.78 compensation for inconvenience and distress
- £112,487.52 compensation for financial loss
- £68,728.89 in fee reductions and fee or outlay refunds.

## A year of change, and more to come

As the world outside the SLCC continued to change dramatically, our organisation also underwent significant change.

### New types of legal business

In December 2021 the Scottish Government approved the Law Society of Scotland as a regulator of licensed legal services under the Legal Services (Scotland) Act 2010. This opens the door to solicitors and non-solicitors setting up legal and other businesses as 'alternate business structures'. The Law Society of Scotland have said that they will launch the regulation scheme in 2022-23.

We are now responsible for looking into complaints about how the Law Society of Scotland carries out its functions as an approved regulator. And once new regulated businesses are set up, we will handle complaints about the legal services they provide. This has meant we have needed to prepare for the first complaints, whenever they may come in.

### New ways of working

In March 2020, like much of the world, we had to make a dramatic shift from a mostly office-based way of working to a wholly home based one. As restrictions eased, we consulted with our staff on ways of working. For most of them, a hybrid approach means they could get the benefits of working from home, while not losing the benefits of office working.

We used a framework of 'Your Job, Your Way' to explore the right balance, running staff workshops to refine our plans and identify staff and business needs to support them.

This has had impacts elsewhere, including how our IT is planned and maintained. It has also changed how we use our office space, and we've been experimenting with different styles of working area.

### New technologies

These new ways of working mean that we could speed up some changes we were already making with technology. This included making use of newer technologies and increased digital working. In parallel with this, we continued to focus on cybersecurity.

### Looking ahead

There is still more change to come. There will be further reform of the regulation of the Scottish legal sector through new legislation.

We are now in the third year of our four-year strategy and in 2023, we will start developing our next strategy. Our current chair, Jim Martin, steps down on 31 December this year, at the end of his five-year term.

We will also be researching property options as we consider what a suitable office space would be for our changed requirements.

## 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.

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, including tracking progress with reforms which may change our legal powers and focus. This year the Board also considered issues relating to our operating model, including our hybrid working pilot, our property options and our health and safety policy.

They also scrutinised key issues affecting our work, including accessing solicitor data to notify them of complaints, responses to statutory requests for files and information, and updates to our rules to support digital processes and to make provision for the new ABS regime.

They ensured the organisation was listening to the sector by discussing input from the legal profession via a survey, roundtables and our outreach work, and listening to consumers through receiving reports from the Consumer Panel. Other important discussions focused on cybersecurity, digital and AI and reviewing the members' code of conduct.

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

In our 2021-22 year we said farewell to four members who reached the end of their terms and welcomed three new members (with another two joining early in 2022-23).

### Departing Board members:

Kay Springham

Denise Loney

Sara Hesp

Sarah McLuckie

### New Board members:

Richard McMeeken

John Stevenson

Jean Grier

Two further members depart the SLCC Board in December 2022, the Chair and one lay member. We will be welcoming a new lay member on 1 January 2023. Scottish Ministers have been recruiting for a Chair, but to date no appointment has been made. Contingency plans are being made in case no appointment is made before 31 December 2022.

## SLCC Consumer Panel

The SLCC Consumer Panel is an independent advisory panel, with its remit set out in statute. It is 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.

### Advising the SLCC on consumer interests

Throughout the year, the Panel provides reflections on the customer feedback the SLCC receives, which informs the development of forthcoming service experience improvements. The Panel fed into discussions on updates to the SLCC's Rules, helping to ensure they took into account the needs of consumers, for example relating to support for making a complaint and avoiding digital exclusion.

Members also fed in their expertise to work by the SLCC Service Experience Team to improve signposting to support for customers and to improve customer access to the SLCC by phone. All of this was informed by the Panel's strong interest in supporting consumers who may display vulnerabilities. The Panel also challenged the SLCC's thinking on analysing the language of complaints, and how that could help to bring the consumer voice to life.

### A strong voice for consumers

The Panel also made contact with the newly launched Consumer Scotland, to ensure its work plan takes into account legal services and legal service users.

The Panel continued to provide a strong voice for consumers in the debate on legal services regulation. The Panel responded to the Scottish Government's consultation, and Panel members supported the Scottish Government to recruit members of the public and legal services users to consultation focus groups. The Panel has continued to highlight the need for the consumer voice to be heard in these discussions to deliver reforms that truly meet consumer needs and inspire public confidence. This will continue to be vital as government sets out plans for legislation.

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

## Our performance and improvement

One of the most important concepts in process improvement is that it should be continuous. This year was no different as we continued to seek ways to enhance our processes.

### Our work recognised

In December 2021, our work over several years on process improvement was recognised when we won the Project and Programme Management Award at the Scottish Public Service Awards. The judges praised our entry on the theme of Delivering results – agile improvement in action, commending our approach and the impact it has had on delivery.

### Complaint timescales

We continued to closely monitor timescales in the complaint process. The overall timescales went down and we updated our public estimated timescale for all stages from 11 months to 9.5 months. Statutory restrictions in our process extend this, and we have highlighted the impact of these as part of discussions on new legislation to demonstrate where we could make further improvement, if the system were to be reformed.

We also trialled simultaneous investigations with the Law Society of Scotland for hybrid complaints so that both bodies investigate at the same time. This has only been practical since we moved to digital investigation files. There is a huge potential benefit to those involved in the complaints process, as they don't need to wait for one organisation to finish to start the next investigation.

### Quality work

We reviewed, updated and extended our quality framework, as well as increasing our reporting to Board on quality indicators. The framework covers how we induct and train our team, and how we monitor areas such as process compliance, quality of investigation and reasoning, and clarity of drafting.

### Failures to respond

We are still having problems with some solicitors not co-operating with our investigations. This includes not providing information and not providing their file when we make a statutory request for it because we need it to consider a complaint. We've highlighted this continuing issue over several years, but it is now the single biggest delay in our investigation times. This year, as well as taking all possible action to encourage compliance, we took the unprecedented step of raising legal actions in the court of session to obtain files. We will continue to do this as long as is necessary to be able to deliver our statutory duties.

## Our customer service and accessibility

As well as a continued focus on efficiency and improving the complaints process, we have been looking at ways of making sure that our service is as accessible and helpful as possible.

### Improvements to the way we work

Using the same process improvement techniques we embedded several years ago, we trialed and implemented a number of improvements to how we work targeted specifically at customer service. One example was our call back service. We asked for feedback from those who use our service – could we change the way people could get in touch? The most popular by far, out of a range of options, was to be able to request a call back at a particular time of day. We have now implemented this through a contact form on our website and have received good feedback from both callers and staff on how helps to find a convenient time to discuss a case.

### A team for service experience

We also created a team to benefit from the experience in customer service we have in our staff team, including from previous job and voluntary roles. The new Service Experience Team has been a great source of ideas and innovation, allowing us to continue improving our customer service. They provide a source of innovation, support and challenge to the wider organisation in improving our customer service.

### Accessibility

At the same time, we've been looking at the accessibility of our website. We commissioned external consultants to carry out a full assessment and are currently implementing their feedback to make sure our services are accessible to all.

## Our oversight and outreach work

At the start of 2021-22 we published a [statement](#) on our approach to discharging the powers we have to oversee and bring an independent view to the entire complaints process, including the investigation of conduct complaints by the professional bodies. The statement sets out the SLCC's intention to work collaboratively and constructively with others in the sector to ensure public confidence in the complaints and redress system.

### Improving indemnity arrangements

That statement guided our approach in a number of areas of work over the past year, including our [report](#) on the professional indemnity arrangements made by the Law Society of Scotland, where we made recommendations for how they could be enhanced. We will follow up this work over the next five years, publishing an annual update report each November.

### Improving conduct complaint handling

We also commenced work looking at the professional bodies' timescales and processes for dealing with the conduct investigations we remit to them, and we will be publishing findings and any recommendations in the coming year.

### New oversight powers

This approach will continue to guide our work in these areas, and as we take on [additional oversight responsibilities](#) in relation to complaints in the new [Alternative Business Structures](#) regime. This includes taking on an entirely new type of complaint – complaints about Approved Regulators.

### Improving complaint handling across the legal sector

As part of our engagement with the wider profession, we held two practitioner-led roundtable sessions, hosting representatives from firms of differing size, practice speciality and geographic locations. These were incredibly helpful in shaping our understanding of the challenges and opportunities facing firms.

We also took part in a number of conferences and events on the common causes of complaints and how to deal effectively with them.

We spoke directly to firms on issues relating to risk management and complaint handling, and delivered tailored, bespoke sessions with firms in line with their requested topics.

We've refreshed our [quarterly newsletter](#) for the profession and share key messages via social media. This year this included a specific focus on early resolution. We also updated our [statutory guidance on complaint handling](#), and made it much more accessible on a redesigned '[for lawyers](#)' section of our website.

## Our people

Our people are at the heart of the service that we deliver.

### New staff

We are committed to resourcing the complaints process properly and as the number of complaints has started to rise, we have welcomed new staff to the organisation. This ensures that they can be trained and help us manage a rise in incoming complaints, before backlogs build up.

### Wellbeing and inclusion group

At the SLCC we take our commitment to equality and inclusion seriously, as well as supporting the wellbeing of our staff. With this in mind we created a voluntary group to run annual events with a focus on these important topics. The Wellbeing and Inclusion Group (WIGs) has seven members of staff from all areas of the organisation and is supported by the senior management.

Events range from short talks, awareness events and wellbeing support. Topics covered have included menopause, movember (men's health), Divali, Sustainability, Neurodiversity and mental health awareness.

### Walk at work award

We took part in the Sustrans Scottish Workplace Journey Challenge in March 2022 as an organisation. A group of colleagues are participating in a hike up Ben Nevis in May 2022, which includes various training events and lunchtime walks. As a result, we achieved a Walk at Work award.

### Staff charity

It was another busy year of fundraising for our staff charity. With quizzes, cupcakes, Christmas jumpers and some staff climbing the UK's highest mountain, we raised £4,602 for Hopscotch Children's Charity.

Our staff have voted Team Jak Foundation as this year's staff charity. Team Jak provides practical, social and emotional support for children and young people with cancer and their family and friends.

### Industrial relations

We continue to work with PCS as our recognised Trade Union. This year PCS and SLCC have discussed our new hybrid working pilot and made some changes based on their feedback. We also continue to discuss pay and terms and conditions.

### Your Job, Your Way

Building on from what we learnt during Covid-19, in November we consulted on a new working model for future. After discussions we agreed on a proposed model and began piloting this in April. The new working model gives staff more flexibility around when and where they want to work. The principles ask that staff spend a minimum of a third of their working time in the office each quarter, the rest of the time they can choose where they work, as long as key business needs are covered. To support staff feedback, two workshops were set up with an independent facilitator. Staff have now fed back at the end of the pilot period and we are now gearing up to make this a permanent change.



## 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:

- **We live in communities that are inclusive, empowered, resilient and safe**
- **We are creative and our vibrant and diverse cultures are expressed and enjoyed widely**
- **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. Information and guidance on making a complaint, and our statutory duty to provide advice, ensures we empower citizens. This year we have sought customer feedback on how accessible our phone service is and have introduced new options for booking call times. 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 we continue to ensure we deliver all our services as accessibly as possible to support this. This includes carrying out an audit of our website accessibility and ensuring no-one is digitally excluded from accessing our services. We encourage early resolution and offer mediation to help parties resolve complaints. Mediations can be arranged online or in-person in a location convenient for the complainer and practitioner.

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 are vital tools in supporting individual staff, teams and an inclusive organisational culture. This year we considered the human rights implications of our rules as we worked to update them.

- **We have a globally competitive, entrepreneurial, inclusive and sustainable economy; and**
- **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 consulted on updates to 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 continue to call for reform to legal services regulation in line with better regulation principles to support innovation.

## 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 has 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?

<b>Group:</b>	<b>2021/22</b>	<i>2020/21</i>
Complaints still open from previous year	<b>388</b>	<i>436</i>
New complaints received	<b>1159</b>	<i>1054</i>
Complaints reopened	<b>72</b>	<i>84</i>
Complaints closed at all stages	<b>1158</b>	<i>1186</i>
Complaints open at end of year	<b>459</b>	<i>388</i>

\*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?

<b>Stage:</b>	<b>2021/22</b>	<i>2020/21</i>
Initial stages:		
Prematurity	<b>162</b>	<i>196</i>
Eligibility (includes accepted conduct)	<b>646</b>	<i>545</i>
Accepted service complaints:		
Mediation	<b>80</b>	<i>90</i>
Investigation	<b>137</b>	<i>224</i>
Determination	<b>133</b>	<i>131</i>

### Who were the complaints about?

#### Solicitors or firms of solicitors

- 1146 complaints we received were about solicitors or firms of solicitors (1033 in 2020/21)
- 492 complaints we accepted for investigation were about solicitors or firms of solicitors (437 in 2020/21)
- 517 complaints we did not accept for investigation (including at prematurity stage) were about solicitors or firms of solicitors (645 in 2020/21)

#### Advocates

- 12 complaints we received were about advocates (21 in 2020/21)
- 5 complaints we accepted for investigation were about advocates (6 in 2020/21)
- 11 complaints we did not accept for investigation (including at prematurity stage) were about advocates (14 in 2020/21)

There were no complaints against commercial attorneys (members of the Association of Commercial Attorneys).

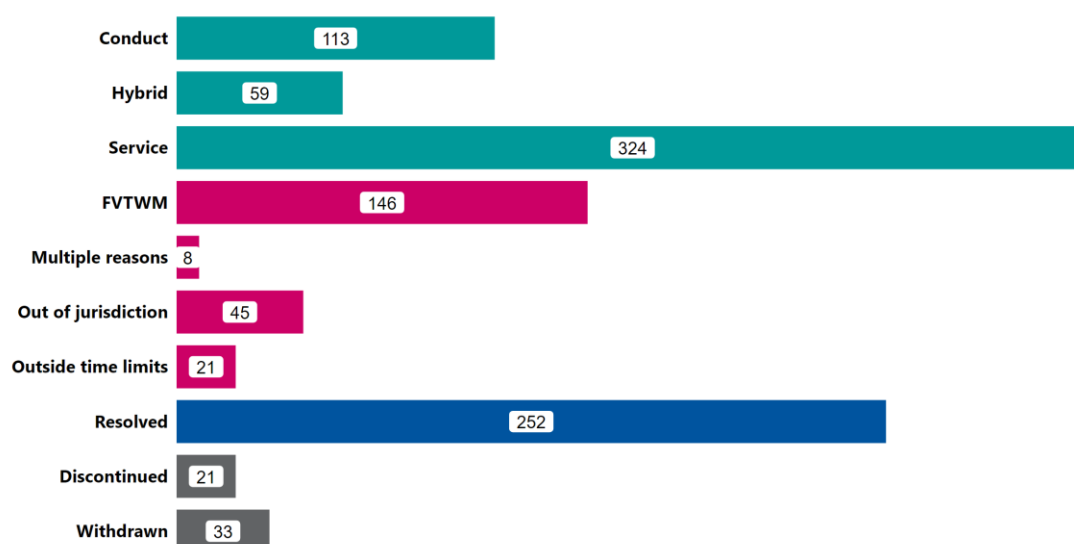
## Outcomes at eligibility stage

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?

<b>Eligibility outcome:</b>	<b>2021/22</b>	<b>2020/21</b>
Complaints accepted for investigation	<b>496</b>	<b>443</b>
Complaints rejected for investigation	<b>222</b>	<b>180</b>
Complaints resolved before a decision to accept/reject	<b>252</b>	<b>236</b>
Complaints withdrawn or discontinued before a decision to accept/reject	<b>54</b>	<b>47</b>

Type ● Accepted ● Rejected ● Resolved ● Withdrawn and discontinued



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

### What kind of complaints did we accept for investigation?

<b>Accepted type:</b>	<b>2021/22</b>	<b>2020/21</b>
Service complaints accepted for an investigation by the SLCC	<b>324</b>	<b>271</b>
Conduct complaints accepted for an investigation by the Law Society of Scotland or the Faculty of Advocates	<b>113</b>	<b>93</b>
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	<b>59</b>	<b>79</b>

What formal, appealable decisions to reject complaints for investigation did we make?

<b>Reject type:</b>	<b>2021/22</b>	<i>2020/21</i>
The whole complaint was made after the time limit	<b>21</b>	26
The whole complaint was 'frivolous, vexatious or totally without merit'	<b>146</b>	118
Some parts were after the time limit. The rest were 'frivolous, vexatious or totally without merit'	<b>8</b>	8
The complaint wasn't about a regulated legal practitioner in Scotland	<b>45</b>	28

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

<b>Closure type:</b>	<b>2021/22</b>	<i>2020/21</i>
Resolved (see below for details)	<b>252</b>	236
Withdrawn (see below for details)	<b>33</b>	25
Discontinued (see below for details)	<b>21</b>	22

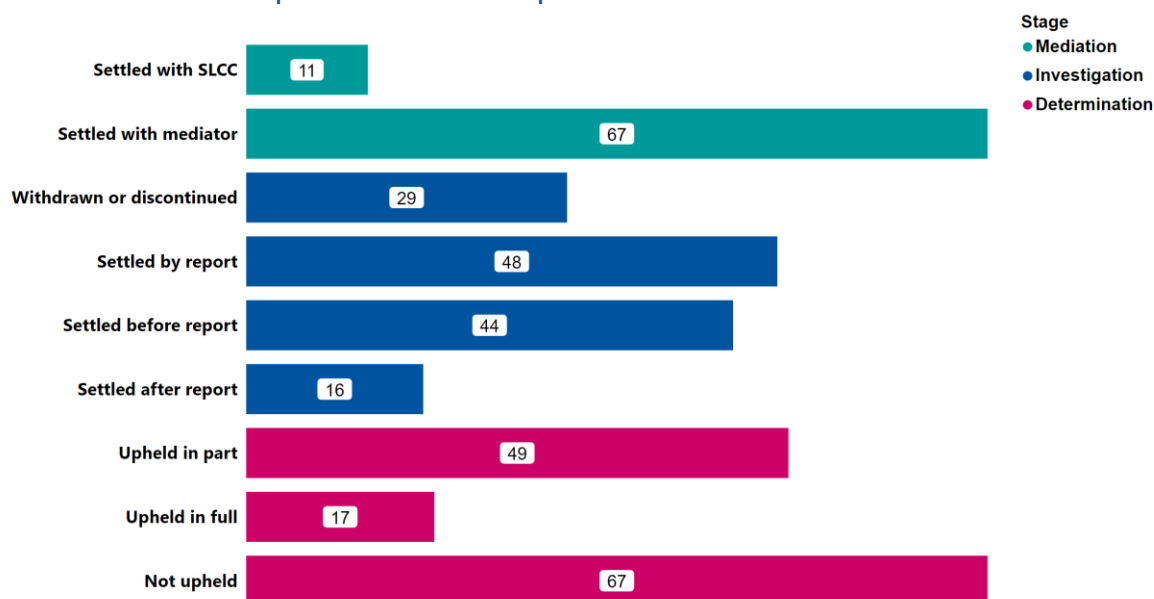
**What these terms mean:**

**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 is that complaint is 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 has not responded to request for further information about their complaint, despite a reminder and a warning their complaint will be closed.

## Outcomes of accepted service complaints



### 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.

Outcome:	2021/22	2020/21
Both sides agreed a settlement at a meeting with the help of an independent mediator	67	66
Both sides agreed a settlement with the help of the SLCC's mediation co-ordinator	11	16

A further 2 complaints were closed at mediation stage.

### How successful were mediations?

Outcome:	2021/22	2020/21
Both sides agreed to a mediation meeting	40%	30%
The mediation meeting was successful	76%	75%

### 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, for example, to uphold the complaint, to pay compensation or refund fees, 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.

<b>Outcome</b>	<b>2021/22</b>	<i>2020/21</i>
Settlement agreed before the investigation report	<b>44</b>	<i>71</i>
Settled as recommended by investigation report	<b>48</b>	<i>81</i>
Settlement agreed after the investigation report on different terms	<b>16</b>	<i>33</i>
Withdrawn by complainer or discontinued by the SLCC due to lack of contact from the complainer	<b>29</b>	<i>39</i>

#### 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.

<b>Outcome:</b>	<b>2021/22</b>	<i>2020/21</i>
Whole complaint was upheld by the determination committee	<b>17</b>	<i>10</i>
Parts of the complaint were upheld by the determination committee	<b>49</b>	<i>47</i>
None of the complaint was upheld by the determination committee	<b>67</b>	<i>77</i>

#### 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.

<b>Outcome</b>	<b>Eligibility</b>	<b>Determination</b>	<b>Total</b>
In progress at the start of the year	5	2	<b>7</b>
Received	9	1	<b>10</b>
Won	8	1	<b>9</b>
Lost	0	1	<b>1</b>
Conceded	3	0	<b>3</b>
In progress at the end of the year	3	1	<b>4</b>

## What happened with handling complaints about the professional bodies?

We also receive complaints about the way the professional bodies carry out conduct investigations. See our [other statutory duties](#) for more information.

Outcome:	Law Society of Scotland	Faculty of Advocates	Total
In progress at the start of the year	3	0	3
New	9	0	9
Rejected – with reason	2	0	2
Accepted for investigation	6	0	6
Closed on report	8	0	8
Discontinued	1	0	1
In progress at the end of the year	1	0	1

## Scottish Legal Services Ombudsman complaints

15 years after the Scottish Legal Services Ombudsman was disbanded and its powers were transferred to us, we were still able to receive complaints under its powers. We received the last eligible complaint this year, which was closed by the end of the year.

## 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

Outcome	Stage 1	Stage 2
Upheld	3	0
Partly Upheld	6	3
Not Upheld	20	3
Resolved	0	0
Withdrawn	0	0
Other	0	0
<b>Total SDCs</b>	<b>29</b>	<b>6</b>

## 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 21 requests for information during our year.

### Requests and responses

Outcome	Number
Requests received in year	21
Requests responded to on time in year	21

#### Requests dealt with in year

<b>Outcome</b>	<b>Number</b>
Withdrawn by requester	0
Disclosed all information	6
No information disclosed	2
Disclosed some information	8
Refused to confirm or deny whether the information was held	2
We didn't hold the information	3

#### Exemptions used in year

<b>Exemption</b>	<b>Number</b>
The information was otherwise accessible	1
Disclosure prohibited under another enactment (e.g. section 43 of our legislation)	1
Substantial prejudice to effective conduct of public affairs	2
Actionable breach of confidence	1
Third party personal data	2

#### Reviews of our responses to Freedom of Information requests

There were 2 FOISA reviews. 2 were wholly/partially upheld.

#### Data protection

We received 27 Subject Access Requests.



## CEO close

As the year closes it is always helpful to think of challenges and opportunities in the coming year.

In common with others, we are seeing inflationary pressures mount. This has implications for our organisation and work, the sector we work in, and on a very personal level for people – those using our service, lawyers and our own staff. We expect much of what we do in the coming year will need to consider this in some way. We also see complaint numbers rising rapidly, following two years of lower complaints incoming during lockdown periods.

There are significant opportunities ahead, but this gives an overall position of uncertainty, making definite planning much harder. Issues include:

- The first new licensed providers may be licensed by the Law Society of Scotland, but we do not know what these businesses may look like (small firms or larger multinationals), nor the number of businesses which may come forward in the first year and how this may relate to complaints
- We now have a firm commitment to legislative change starting in 2023, but we don't yet know what this will look like in detail, nor the timetable for implementation
- Changes to our legislation through statutory instrument continued to be discussed, but we are aware decisions may need to be made on progressing these changes when fuller reform will shortly be underway.

Reform has the potential to create a simpler, more streamlined and more efficient complaints system. It could see a system more aligned to international best practice in terms of the long-established Better Regulation Principles, the Consumer Principles and Venice Principles (which covers what an effective ombudsman should look like). We may also see a process where better customer journeys can be created, perhaps even without a single complaint being dealt with by multiple statutory bodies, through different processes, and applying different legal standards.

There is also the potential that each of these areas adds complexity or cost rather than removing it. Layering more legislation on top of existing legislation did not work in 2007 or 2010, and although these were billed as changes which would reduce overall regulatory burden the opposite has proven true. We need to see reform that takes detailed process prescription out of the legislation altogether.

Alongside these are other areas of change:

- Our property needs have changed, and it may be within the coming year we apply to the Minister for permission to move property
- The Minister will also appoint a new Chair of the SLCC, and a new Chair will often bring new thinking and ideas.

The SLCC will continue to advocate for the changes we believe will improve the legal complaints and regulation system for those who use legal services and those subject to it. Many of these decisions are not for us, and we must prepare for all outcomes, preparing for the best as well as ongoing uncertainty or outcomes which add to cost and complexity. That said, I believe our positive focus on improvement, innovation and agility places us well to seize opportunities from all of the above wherever possible. We will do all we can to make sure there are successes to report next year.