



ANNUAL REPORT

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**SCOTTISH LEGAL  
COMPLAINTS  
COMMISSION**

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2022 - 2023

## **SLCC Annual Report 2022-23**

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## Chair foreword

**I joined the SLCC in summer 2023, just as this busy year was closing. Listening to our Board and staff set out this year's achievements, as well as the challenges and opportunities that lie ahead, has been heartening.**

I would like to thank the former Chair, Jim Martin, for his leadership over what have been important years for the SLCC, and those who helped maintain continuity in our governance arrangements up to my appointment, particular Niki Mclean (acting Chair for a period) and Morag Sheppard (on our Audit Committee). And of course, our Chief Executive, Neil Stevenson, and all his team for their professionalism, hard work and commitment to serving the legal sector and communities across Scotland.

I've welcomed the opportunity to go out and meet with stakeholders from across the legal sector and from consumer organisations to understand their needs and to hear the issues they are most concerned about. That builds on a strong focus from the staff team on regular engagement with the legal profession, representative bodies, other regulators and consumer groups. Having joined with experience of regulation in other legal jurisdictions and other professions, I've been especially grateful for conversations which highlighted issues specific to the legal sector in Scotland. My thanks go to those who have taken the time to meet with me and I hope we can continue to work collaboratively together.

The organisation has continued to operate in a context of significant change this year, but the focus on improvement and customer service has been a constant. Drawing on feedback from our customers and best practice examples from other sectors and jurisdictions, we have continued to identify opportunities to improve the organisation's efficiency, effectiveness and accessibility. That culture of challenge and development underpins our approach and stands us in good stead for the change to come via legislative reform.

We've set out clear calls for the reform we want to see to make the complaints and regulatory system work for everyone. We know the complaints system can be more efficient, more proportionate and more effective. We have the culture, skills and 15 years of expertise to help achieve that, but we need the right tools and flexibility to make it a reality. With the Regulation of Legal Services (Scotland) Bill now being scrutinised

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in Parliament, we will continue to share our experience and expertise to shape the best possible system for the future and to implement the reforms agreed.

That change-positive, outcome-focused attitude has been most obvious to me in the way the SLCC brought together its approach to staffing, technology and property to achieve a major shift in its own ways of working. Carefully balancing business need and staff flexibility has seen the organisation embed a flexible working model that has maintained performance on reduced resource and attracted significant interest in a crowded recruitment market. A drive to digital has reduced paper use, increased efficiency and improved cyber security. Together those improvements underpinned our ability to move to a new office space just after year end. This move will achieve savings of £500,000 over the next five years, underlining our commitment to value for money.

As we move into the final year of our current strategy, we've a lot to be proud of. This report outlines many of our achievements and the impact we have had. We are rightly ambitious on behalf of the people we serve, and the report highlights our culture of customer driven continuous improvement. That will continue to underpin our approach to delivering our statutory functions and playing our part in maintaining public confidence in legal services. There's more – and welcome – change on the horizon but we are well-placed to inform it, to drive it and to put it to good use in the service of our communities and public interest regulation.

## CEO introduction

**This has been a year of significant change and I want to start with a personal and heartfelt thanks to our staff team.**

To improve our service and efficiency we have changed our IT, we have moved office, we've adapted our processes, and we're on the brink of legislative reform which will change other aspects of how we work and have been asking staff to prepare for that. Even for people who love change that is an exhausting programme, and staff have done more than we could have ever reasonably asked to keep helping those who use our service, deliver our work, and help each other.

Not only that, but colleagues placed bigger issues before themselves. It was staff that set an aspiration that our office move should be done in an environmentally sustainable way. That was committed to even where it caused more disruption for them personally while furniture was refurbished, our kitchen was moved to the new site, and chances to visit the new office came at the price of carrying bags from the old one to cut down transport emissions.

Organisations like ours are essentially 'human', services delivered by people requiring intelligence and empathy, to people who often have vulnerabilities who need emotional support as much as a technically fair process.

So, while I start with a thanks to the people that deliver our work, it has also been a year dominated by a focus on those raising a complaint with us or subject to one.

We have implemented new rules this year to ensure our service is accessible and reflects the digital engagement most parties now wish, and our Service Experience Team have reviewed how people can raise complaints about the SLCC's own service. We have improved our website accessibility based on an audit from the previous year where users with a range of disabilities helped test the site for us and push our thinking about what real accessibility means. Our Consumer Panel published demographic information on who uses our service. We worked with the profession to develop a statement on how we would handle complaints when there was a concern the lawyer was at the risk of harm, and we delivered a programme of outreach events to support solicitors facing a complaint and help them avoid the common causes of complaints.

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We've also sought to tackle what we understand is in part a very human issue, solicitors who fail to respond to statutory requests from the SLCC. There are many causes, but we understand sometimes this is 'panic' and 'sticking heads in the sand' at a complaint, but equally it is failure to comply with law from a regulated professional. This systemic issue comes at great cost to the profession in staff time and legal and court fees, and at great reputational cost. We're grateful for the Law Society of Scotland passing a clear rule this year on the issue but remain deeply concerned about the continued impact of these failures.

Finally, in the debate on reform we've tried to focus our work on the knowledge we've gained from dealing with over 36,000 people as part of the complaints process. We need the new legislation to meet the standards of 'good law', but we also want policymakers and the sector to understand what that looks like in an operational context and the costs of delivering that. Ultimately parliament will make the decisions, but it is individual people travelling the process who will feel the outcome of those decisions.

I hope you find the remainder of this report brings our work to life, sharing examples of what we deliver and how we constantly seek to improve. At the end I will return to some of the themes above as we look to the year ahead.

## 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.



*SLCC complaint journey diagram*



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### 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 2021 – 30 June 2022.

(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 |
|--|------------|
| Prematurity                              | 8%         |
| Conduct                                  | 10%        |
| Resolved at eligibility                  | 23%        |
| Closed before accept/reject decision     | 5%         |
| Rejected at eligibility                  | 19%        |
| Service/hybrid - closed at Mediation     | 7%         |
| Service/hybrid - closed at Investigation | 16%        |
| Service/hybrid - closed at Determination | 10%        |
| Ongoing                                  | 2%         |

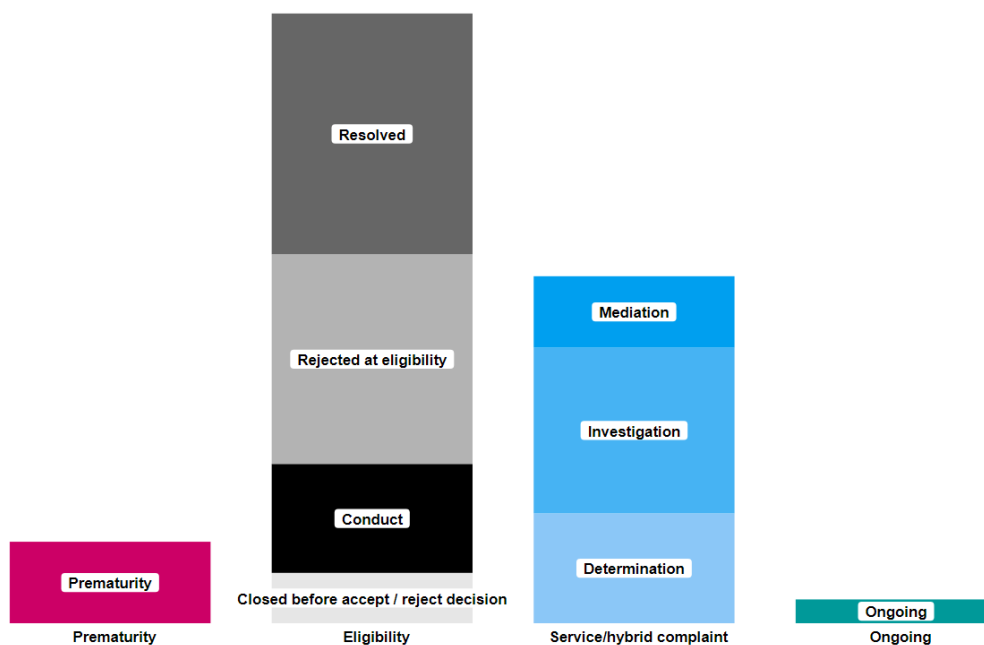


Chart visualising data in the table. The columns are prematurity, eligibility, service/hybrid complaints and ongoing.

## 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 2022-23 year:

| Area of law                  | % of complaints |
|------------------------------|-----------------|
| Executries, wills and trusts | 24%             |
| Residential conveyancing     | 21%             |
| Family law                   | 14%             |
| Litigation                   | 12%             |
| Personal conduct             | 6%              |

Here are the top five subject areas we received complaints about in our 2022-23 year:

| Complaint about                                    | Percentage |
|--|------------|
| Communication                                      | 22%        |
| Failure to act in the best interests of the client | 18%        |
| Trust & Personal Integrity                         | 9%         |
| Failure to advise adequately                       | 8%         |
| Delay  | 7%         |

## What settlements have we agreed/ decided?

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

- £278,066.68 compensation for inconvenience and distress
- £72,780.07 compensation for financial loss
- £39,384.90 in fee reductions and fee or outlay refunds.

### 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 audited annual accounts, which are also laid in Parliament.

On a quarterly basis the Board reviews KPIs and performance data, risk registers, financial reports, progress against our operating plan, 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. This year the Board also considered updates to our appeals process, findings from our 'Your job, your way' pilot, updates to our complaints levy policy, sustainability, cyber security and our approach to reform.

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

#### Board members changes

Just after year end we welcomed new Chair, Jane Malcolm, to the organisation. A further lay member, Anne Gibson, joined us during the year. Our thanks go to our previous Chair, Jim Martin, and lay member and audit committee chair, Morag Sheppard, who stood down from the Board in December 2022, and to Niki Maclean who was acting Chair for a period.

## SLCC Consumer Panel

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

### **Advising the SLCC on consumer interests**

This year saw the Consumer Panel advising the SLCC on a number of areas of improvement work. Throughout the year, the Panel provides reflections on the customer feedback the SLCC receives, which informs the development of forthcoming service experience improvements. It has also helped to drive the development of a 'You said, we did' report and to shape our current review of our approach to customer feedback.

The Panel published a [report](#) on the demographics of people who complain to the SLCC and made a number of recommendations for action to improve accessibility. This includes drawing on learning from the work led by the Scottish Public Services Ombudsman to consider how to make complaints process more child-friendly. Members also fed in their expertise to work by the SLCC Service Experience Team, including the update to how the SLCC deals with service delivery complaints about its work.

### **A strong voice for consumers**

The Panel continued to provide a strong voice for consumers in the debate on legal services regulation, including responding to the parliamentary call for views on the Regulation of Legal Services (Scotland) Bill and giving evidence on the Bill in Parliament. 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. The Panel remains concerned about the lack of consumer research to inform consumer-focused regulation and will be reflecting on its own role in the coming year.

The Panel also took the opportunity to highlight its previous work on consumer vulnerability through an updated social media campaign.

### Our performance and improvement

**Maintenance of core performance in complaints handling and improvements to the effectiveness and efficiency of our work has remained a key focus for us against a backdrop of significant competing demands this year.**

#### Complaint timescales

We continued to closely monitor timescales in the complaint process. With the number of complaints made to us rising this year, we have worked hard to keep delays to a minimum, using our resource flexibly and bringing in additional staffing as necessary.

We have now embedded as standard practice simultaneous investigations with the Law Society of Scotland for hybrid complaints so that both bodies investigate at the same time. This brings a significant benefit for complaint parties who will see a swifter conclusion to complaints made by or about them.

We were delighted to be invited to present at the UK-wide Ombudsman Association annual conference on our work to drive efficiency and reduce complaint handling times. We have since been contacted by attendees and other complaint handling teams across the UK public sector to share our work.

#### Updated Rules

Following two rounds of consultation, we introduced [updated Rules](#) on 1 April 2023. The changes are intended to support a digital and paperless focus in our operations and engagement with the profession, and to increase efficiency and clarify processes. The updated rules also include technical updates in relation to our new role as the complaints body for both licensed legal services providers and approved regulators within the ABS regime.

#### Quality Assurance

We reviewed our approach to quality assurance of our complaint work and implemented improvements. We contributed to a UK-wide review of quality assurance systems in ombudsmen schemes, and then, when that report was published, benchmarked our own work against the findings.

### Testing new approaches

We continued an extensive programme of improvement, including testing a new electronic tool helping us assess plain English use in communications, a new app to help set up mediations quickly and efficiently, and scoping work on new data room tools to allow secure file transfer between the SLCC and law firms.

### Failures to respond

We continue to see significant issues with 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 have taken significant further action this year, including continuing to raise legal actions in the court of session to obtain files, and we saw the first example of the court holding a solicitor in [contempt of court](#) for non-compliance. While the court has made clear its concern about this issue, it remains the case that we can only address each individual instance of non-compliance in isolation.

In trying to achieve a wider culture shift in compliance, we lobbied for and welcomed the Law Society of Scotland's introduction of a new practice rule which clarified the requirement for firms to cooperate with the SLCC. We published an [open letter to the profession](#) setting out the impact of non-compliance on complainers, on the cost of the complaints process and on public confidence in the profession.

We also identified an opportunity to use our complaints levy policy to drive compliance and we worked with the Society to consult the profession on its views. With resounding support for our proposal to ensure firms who do not comply bear more of the cost, we have now introduced an updated complaints levy policy with a top rate for non-compliance with statutory requests.

### Access to confidential and privileged information

Following a case we raised, the Court of Session also clarified the requirement for firms to comply with requests for the production and delivery of documents by the SLCC, and that legally privileged material can only be shared with client consent. We continue to work with firms to reach agreement on what needs to be provided to allow us to carry out our statutory role.

### Customer service and accessibility

**Alongside our continued focus on efficiency, we want to drive improvements in our customer services to make sure they are as accessible and helpful as possible for all our customers.**

#### Our service experience team

Our cross-organisational Service Experience Team (SET) continues to drive innovation in customer service. Drawing on the team's own experience, specialised training, and input from the Consumer Panel and others, they develop and test improvements in our processes and provide a source of support and challenge to the wider organisation in improving our customer service.

#### Improvements for our users

This year the Service Experience Team conducted a review and update to how we deal with complaints about our own service. Automating processes, shorter timescales and empowering case investigators to resolve issues wherever possible should help us to put things right quickly and to identify any necessary improvements.

The team also responded to concerns raised in our customer feedback about handovers between staff members and updated our standard communications to explain when and why this might happen and to ensure customers always have a named member of staff they can contact about their complaint.

SET also published a new set of [communication standards](#), setting out what our customers can expect from us, and we have promoted these through our website and social media channel.

#### Accessibility

Following an audit of our website accessibility of our website in 21-22 we have implemented a number of significant improvements to comply with the recommendations made and to make sure our services are accessible to all. We published an [accessibility statement](#) on our website and are now implementing the next phase of this work.

### Customer feedback

When we close a complaint, at any stage of our process, we send both parties a short survey which asks about what they thought of our service. We ask whether they understood the reasons for our decision, about the quality of the information we provided, our explanation of the process, the clarity of our communications, the time we took to deal with the complaint, if we dealt with it fairly and impartially and how helpful we were. We also provide an opportunity for free text comments.

This feedback is anonymous and confidential, although we do note that if those responding wish us to respond to their comments or consider their specific case, they can provide us with a case reference number so we can investigate further.

### You said, we did

A report on our customer feedback, including all of the free text comments, is considered quarterly by our Board and independent Consumer Panel. Those discussions, alongside consideration by our staff team, help us to identify improvements we could make to our service or actions we could take based on the feedback received. Some of the key actions from the past year are outlined below. Our thanks go to everyone who took the time to provide us with helpful feedback this year.

1. **You said** – “Ensure continuity of the staff dealing with the complaint or explain from the outset that the staff member dealing with the complaint could change during the process.”

**We did** – The current complaints process, based on existing legislation, means we currently have to use different staff at different stages to make the process work. However, we conducted an audit of our template letters to check how we communicate this throughout the complaints process. We identified areas for improvement and made amendments to better explain the process and highlight when and why a complaint would be handed over to a different member of staff and to ensure our customers always have a named member of staff they can get in direct contact with.

2. **You said** – “Do not penalise practitioners when they accept a decision, but the complainer does not. This seems incredibly unfair.”

**We did** – We agree with this concern, but our legislation means we currently have no discretion on proceeding to formal determination



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when this happens. However, we have used this feedback to advocate for changes to the complaints process, which have now been included in the Regulation of Legal Services (Scotland) Bill recently introduced to Parliament. We will continue to work with government and other stakeholders to make this a reality.

3. **You said** – “Your policy on compensation awards needs to be clearly defined on your website. This would help intending complainers to more realistically assess what they have to gain if successful.”

**We did** – There is no standard amount of compensation, as every case is unique. However, we’ve updated our website with [information on typical awards and case studies](#) that people can look at to find out more information.

4. **You said** – “The process was very long but communication of delays was excellent.”

**We did** – We always try to complete complaints as quickly as possible, but the number of steps set out in legislation and the time parties take to respond can make the process slow. We value this feedback, and it helped us encourage staff to keep updating parties regularly, even if just to say were still waiting for information and will update again in another three weeks, so that users know we are trying to progress the case and understand what is causing the delay.

5. **You said** – “This was a third-party complaint with no reasonable prospect of success. I think it should have been filtered out of the system sooner. Stress for the staff member involved over a prolonged period was unacceptable.”

**We did** – We have a statutory duty to consider third party complaints (where the complainer is not the client of the firm or lawyer complained about). We always try to do this quickly and proportionally, but we agree the system could be improved. We have lobbied government for new powers, which other ombudsmen and complaints bodies already have, to deal with these cases more efficiently and effectively. We are pleased to see this included in the Regulation of Legal Services (Scotland) Bill recently introduced to Parliament. We will continue to work with government and other stakeholders to make this a reality.

6. **You said** – “Ensure knowledge of dyslexia, dyspraxia and other neurodiversities are provided to your staff.”

**We did** – Every year we provide training on reasonable adjustments and vulnerable users to our staff. This year we added a section specifically on the full range of neurodiversity and supported this with new content.

### Our oversight and outreach

**The SLCC has statutory duties to oversee how the professional bodies deal with complaints and redress, and to provide guidance to the legal profession on complaints handling.**

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. The statement sets out our intention to work collaboratively and constructively with others in the sector to ensure public confidence in the complaints and redress system.

#### Improving conduct complaint handling

As well as investigating individual complaints about Relevant Professional Organisations' complaint handling, we published a [report on the time taken by the Law Society of Scotland to investigate conduct complaints](#) remitted to it. This included three statutory recommendations for improvement in setting and achieving reasonable timescales for concluding investigations and in communications on timescales with complaint parties. We [welcomed commitments](#) by the Law Society of Scotland to deliver an action plan for improvement and we have confirmed an annual review process to monitor progress.

We started a review of Faculty's complaint handling processes and will report on this in the coming year alongside updates on the above report and our previous work looking at the Law Society's indemnity arrangements.

#### Improving complaint handling across the sector

We published a [report on the initial engagement or 'terms of business' letters](#) firms issue when instructed by a client. We reported generally good compliance with the basic requirements on client communications, but significant variation in the clarity, accessibility and accuracy of communications relating to complaints and common causes of complaints such as fees and scope of work.

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

We also spoke directly to firms on issues relating to risk management and complaint handling.

We also drew on feedback from practitioners to update our [webpages](#) on what happens if we receive a complaint about them, including providing clear signposting to sources of advice and support.

We also take opportunities to recognise good practice in complaint handling. We do this directly in individual cases where we can waive a portion of the complaints levy in recognition of good complaint handling and attempts at resolution at first tier and in firms' engagement with us. We also use real, anonymised examples from firms in our case studies and outreach work to help firms learn from peers about good practice. The Bill currently under scrutiny refines our oversight powers further. Once finalised, we're likely to consult on and issue a new overarching statement on how we'd use these powers.

### **Our work on policy and reform**

**We use our experience, insight and learning to influence, inform and implement policy change on matters relating to our complaints and regulatory functions.**

#### **Regulation of Legal Services (Scotland) Bill**

The [Regulation of Legal Services \(Scotland\) Bill](#) was introduced in Parliament in April 2023, taking long-running discussions about proposals for legislative reform to the regulatory and complaints system into a new phase. Throughout the year we continued to engage with Scottish Government and other stakeholders on this issue and to make the case for reforms that make the complaints process more flexible and proportionate and to create a system that is more improvement focused.

Given the potential for significant changes to our legislative framework, and the impact of this across our business, this work has been a key focus for our Board and executive team.

#### **Alternative Business Structures**

The Law Society of Scotland is now fully approved and authorised as an Approved Regulator, but the regulatory scheme is not yet operational. We have been preparing for the introduction of ABS since the Act was passed in 2010. This preparation needs to be updated each year and comes at significant cost to the organisation each time. At the time of writing, we are again being told the scheme may go live in 2023-24 but have no control over this. We remain as ready as possible, including having approved rule changes this year to help in implementation of our responsibilities when this is required. The action will again be carried forward into next year's operating plan.

#### **Other policy work**

We have undertaken other policy work where it relates directly to our statutory functions. This year this included a response to the Finance and Public Administration Committee's inquiry into the Scottish Government's Public Service Reform programme and a submission to the Delegated Powers and Law Reform Committee's call for evidence on the Trusts and Succession (Scotland) Bill. We also responded to the Scottish Solicitors' Discipline Tribunal's consultation on updates to its rules.

## **Our organisation**

**2022-23 brought a lot of exciting changes for the organisation that will support our work for years to come.**

### **A new hybrid working model**

We embedded our new hybrid working model, Your Job, Your Way. The model allows staff greater flexibility on when they work and what location they work from. The model sets a minimum office attendance and minimum cover to ensure our service users are still receive a high-quality customer service. The model has worked well for staff, and they are able to enjoy a good work life balance. For the organisation the model has helped retain existing staff and attract new staff.

### **A cost saving office move**

As a result of our new hybrid working model, we made the decision to move to a smaller office, and we welcomed staff to the new space just after year end. This move will save the SLCC £500,000 over five years.

Another change that supported our move to a smaller office space was the transition to a fully cloud based IT infrastructure. Working with our suppliers NVT and CAS, we were able to avoid the need for a server room in the new office, saving further space.

### **Sustainable operations**

As part of the move out of our previous accommodation, we were concerned to do this as sustainably as possible. We were able to donate a large quantity of surplus items to charities and groups, many of whom our staff were involved with on a personal level. In particular, we were able to provide surplus IT kit to Fife Young Carers, who were also moving office.

We also identified a number of existing items that we could move to the new office. To support us on moving these items and helping us to recycle furniture, we chose to work with Bureau Move. They recently provided us with our carbon certificate for the move and we saved 6.14T CO<sub>2</sub>(E) in the project.

### Our people

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

#### Recruitment

This year we reviewed our recruitment process. We have implemented anonymous recruitment, where recruiting managers do not see any personal identifiable data. We also worked with the communications team on making short fun videos to engage directly with potential candidates. In 2022-23 we ran two rounds of recruitment for Case Investigators and have appointed five new members of staff to the team.

We also ran two internal recruitment processes this year, these posts allow for staff development and were for a Specialist Case Investigator and a Data Assistant.

#### Staff wellbeing and inclusion

It was another busy year for our staff-led wellbeing and inclusion group, who ran a number of events for staff including Talk Money Week, World Aids Day, Holi, Carers Week and sessions on anxiety. We were also awarded our Carer Positive Engaged Award.

#### Staff charity

Charity is always close to our staff's hearts and this year the chosen charity was Team Jak. As well as raising an amazing £3,634, some staff also made use of the volunteering days we give the team and went to the Team Jak centre in Livingston and helped clean parts of the centre and organise things for their upcoming Christmas Party and fundraising events.

For 2023-24 the staff charity will be the Scottish Society for Prevention of Cruelty to Animals.

#### Industrial relations

We continue to value our relationship with PCS as our recognised trade union. This year discussions have focused on pay and terms and conditions.

## 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. Information and guidance on making a complaint, and our statutory duty to provide advice, 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 we continue to ensure we deliver all our services as accessibly as possible to support this.

We actively support diversity and inclusivity. For our customers this includes acting in line with our values, our communication standards and our equality statement. We make reasonable adjustments to ensure everyone can access our service and provide staff training on a range of equalities issues.

This work is also 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.



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**(iii) We have a globally competitive, entrepreneurial, inclusive and sustainable economy; and**

**(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. 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

We analyse statistics on our caseload to monitor and report on our performance and to identify and share trends in complaints.

### Complaints about lawyers and law firms

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

| Group:                                   | 2022/23 | 2021/22 | 2020/21 |
|--|---------|---------|---------|
| Complaints still open from previous year | 486     | 388     | 436     |
| New complaints received                  | 1281    | 1159    | 1054    |
| Complaints reopened                      | 70      | 72      | 84      |
| Complaints closed at all stages          | 1183    | 1158    | 1186    |
| Complaints open at end of year           | 587     | 459     | 388     |

\*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:                                   | 2022/23 | 2021/22 | 2020/21 |
|--|---------|---------|---------|
| Prematurity                              | 133     | 162     | 196     |
| Eligibility (including accepted conduct) | 701     | 646     | 545     |
| Mediation                                | 57      | 80      | 90      |
| Investigation                            | 203     | 137     | 224     |
| Determination                            | 123     | 133     | 131     |

### Who were the complaints about?

#### *Solicitors or firms of solicitors*

- 1263 complaints we received were about solicitors or firms of solicitors (1146 in 2021/22)
- 490 complaints we accepted for investigation were about solicitors or firms of solicitors (492 in 2021/22)
- 563 complaints we did not accept for investigation (including at prematurity stage) were about solicitors or firms of solicitors (517 in 2021/22)

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### *Advocates*

- 14 complaints we received were about advocates (12 in 2021/22)
- 4 complaints we accepted for investigation were about advocates (5 in 2021/22)
- 10 complaints we did not accept for investigation (including at prematurity stage) were about advocates (11 in 2021/22)

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?*

| Eligibility outcome   | 2022/23 | 2021/22 | 2020/21 |
|---|---------|---------|---------|
| Complaints accepted for investigation                                   | 491     | 496     | 443     |
| Complaints rejected for investigation                                   | 182     | 222     | 180     |
| Complaints resolved before a decision to accept/reject                  | 284     | 252     | 236     |
| Complaints withdrawn or discontinued before a decision to accept/reject | 107     | 54      | 47      |

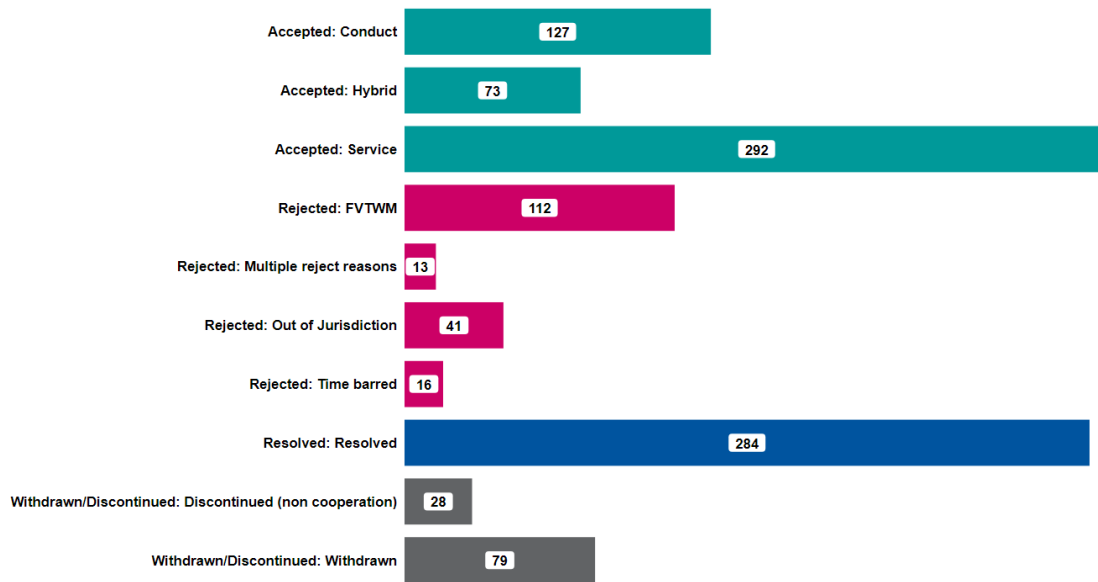


Chart summarising the table grouped by eligibility outcome with bars for each sub-type (FVTWM stands for ‘frivolous, vexatious or totally without merit’).

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

| Accepted type   | 2022/23 | 2021/22 | 2020/21 |
|---|---------|---------|---------|
| Service complaints accepted for an investigation by the SLCC  | 291     | 324     | 271     |
| Conduct complaints accepted for an investigation by the Law Society of Scotland or the Faculty of Advocates   | 127     | 113     | 93      |
| 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 | 73      | 59      | 79      |

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

| Reject type   | 2022/23 | 2021/22 | 2020/21 |
|---|---------|---------|---------|
| The whole complaint was made after the time limit   | 16      | 21      | 26      |
| The whole complaint was 'frivolous, vexatious or totally without merit'                             | 112     | 146     | 118     |
| Some parts were after the time limit. The rest were 'frivolous, vexatious or totally without merit' | 13      | 8       | 8       |
| The complaint wasn't about a regulated legal practitioner in Scotland                               | 41      | 45      | 28      |

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

| Closure type                         | 2022/23 | 2021/22 | 2020/21 |
|--------------------------------------|---------|---------|---------|
| Resolved (see below for details)     | 284     | 252     | 236     |
| Withdrawn (see below for details)    | 79      | 33      | 25      |
| Discontinued (see below for details) | 28      | 21      | 22      |

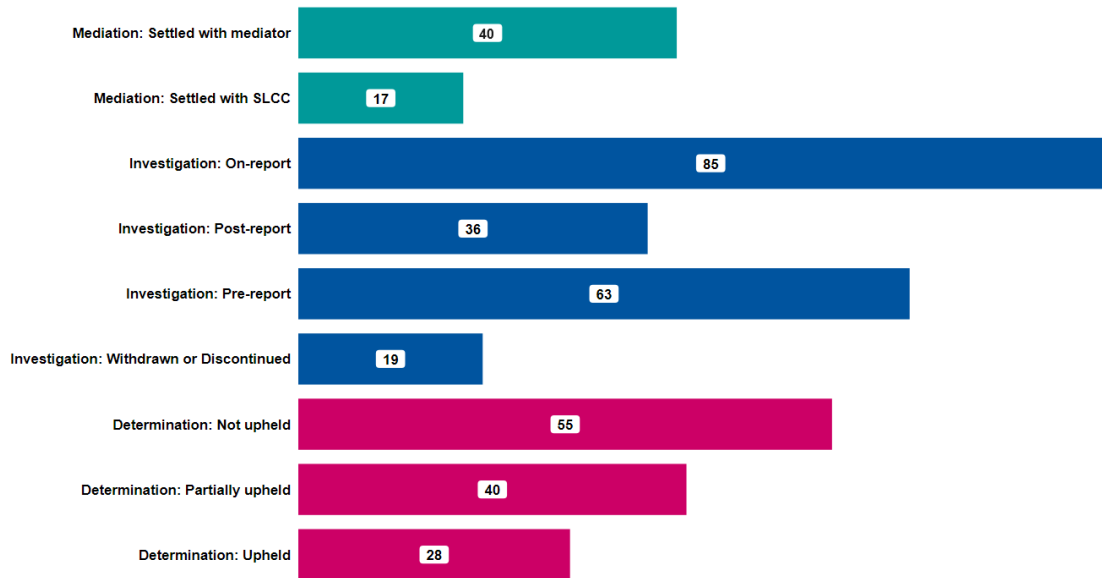
### **What these terms mean:**

**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  | 2022/23 | 2021/22 | 2020/21 |
|--|---------|---------|---------|
| Both sides agreed a settlement at a meeting with the help of an independent mediator | 40      | 67      | 66      |
| Both sides agreed a settlement with the help of the SLCC's mediation co-ordinator    | 17      | 11      | 16      |

A further 2 complaints were closed at mediation stage.

### *How successful were mediations?*

| Outcome                                  | 2022/23 | 2021/22 | 2020/21 |
|--|---------|---------|---------|
| Both sides agreed to a mediation meeting | 27%     | 40%     | 30%     |
| The mediation meeting was successful     | 67%     | 76%     | 75%     |

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### *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.

| Outcome  | 2022/23 | 2021/2 | 2020/21 |
|--|---------|--------|---------|
| Settlement agreed before the investigation report  | 63      | 44     | 71      |
| Settled as recommended by investigation report   | 85      | 48     | 81      |
| Settlement agreed after the investigation report on different terms                            | 36      | 16     | 33      |
| Withdrawn by complainer or discontinued by the SLCC due to lack of contact from the complainer | 19      | 29     | 39      |

*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.

| Outcome   | 2022/23 | 2021/22 | 2020/21 |
|---|---------|---------|---------|
| Whole complaint was upheld by the determination committee         | 28      | 17      | 10      |
| Parts of the complaint were upheld by the determination committee | 40      | 49      | 47      |
| None of the complaint was upheld by the determination committee   | 55      | 67      | 77      |

**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.

| Outcome                              | Eligibility | Determination | Total |
|--------------------------------------|-------------|---------------|-------|
| In progress at the start of the year | 4           | 2             | 6     |
| Received                             | 8           | 2             | 10    |
| Won                                  | 6           | 1             | 7     |
| Lost                                 | 1           | 0             | 1     |
| Conceded                             | 2           | 1             | 3     |



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### Other types of complaints

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

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

| Outcome                              | Law Society of Scotland | Faculty of Advocates | Total |
|--------------------------------------|-------------------------|----------------------|-------|
| In progress at the start of the year | 2                       | 0                    | 2     |
| New                                  | 10                      | 1                    | 11    |
| Rejected - with reason               | 3                       | 0                    | 3     |
| Accepted for investigation           | 6                       | 0                    | 6     |
| Closed on report                     | 6                       | 0                    | 6     |
| Discontinued                         | 1                       | 0                    | 1     |
| In progress at the end of the year   | 2                       | 1                    | 3     |

#### What were the outcomes of complaints about our service?

We received 25 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*

| Outcomes      | Stage 1 | Stage 2 |
|---------------|---------|---------|
| Upheld        | 1       | 1       |
| Partly Upheld | 6       | 2       |
| Not upheld    | 12      | 3       |
| Total SDCs    | 19      | 6       |

## Freedom of Information and data protection

### 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 22 requests for information during our year.

#### *Requests and responses*

| Outcome                               | Number |
|---------------------------------------|--------|
| Requests received in year             | 22     |
| Requests responded to on time in year | 20     |

#### *Requests dealt with in year*

| Outcome   | Number |
|---|--------|
| Disclosed all information                                   | 13     |
| Disclosed some information                                  | 2      |
| Refused to confirm or deny whether the information was held | 2      |
| We didn't hold the information                              | 2      |

#### *Exemptions used in year*

| Exemption  | Number of times used |
|--|----------------------|
| The information was otherwise accessible   | 3                    |
| Disclosure prohibited under another enactment (e.g. section 43 of our legislation) | 2                    |
| Substantial prejudice to effective conduct of public affairs                       | 2                    |
| Personal data of the applicant   | 1                    |
| Third party personal data  | 1                    |

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

There were 0 FOISA reviews.

### Data protection

We received 15 Subject Access Requests.

### CEO closing remarks

**The coming year is the last in our current four-year strategy, in which we'd set some ambitious four years goals.**

Some are already demonstrably met; we are in a new smaller office, we are working fully from the cloud, a new Board and Chair are recruited and inducted, and our new rules are published and in force.

In others we planned audits before the end of the four-year period, both to give assurance that work was embedded but also to give a final chance for learning and refinement in the coming year based on how systems have performed in practice. These last refinements will be made in the coming year.

Of course, there are some that have taken longer than expected. Our review of how we receive customer feedback moved this from a small project to a fundamental rethink drawing on input from our Consumer Panel, other complaints bodies, and industry. We decided doing this well was better than doing it within the original timeframe, and we now aim to launch it at midnight on the very last day of this strategic period to collect data right from the start of our new business year. That's about as close to the wire as a project ever gets!

I also said I would return to two themes from my introduction.

The first is the failure of solicitors to comply with statutory requests for access to files. We appreciate the challenges to running a firm, and the personal impact of complaints. However, this is a breach of a legal requirement. Other skilled professionals are prohibited from providing certain services because lawyers are part of a regulated community. If large numbers of solicitors do not comply with regulation, and nothing is done, what argument is there for not liberalising the market and increasing access to justice?

The strategy will see the end of eight years of work by the SLCC to try to tackle this issue, with little impact. Stop gap arrangements have been in place as we tried every means within our control to tackle the issue. With none of these working a long-term solution is needed. This may come from reform, but if not, it may mean resourcing a dedicated team with the capacity to take the volume of court work we need to make sure solicitors comply with their duties. This is the final year in the current strategy to see

if progress on this front can be made, and more proportionate solutions found through the combined efforts of the sector.

We also look to the year ahead optimistically in terms of the new Bill. All parties have agreed complaints reform is needed, and we hope the lessons of 2007 and 2010 can be learnt and the Bill is not amended so extensively that arrangements become unworkable. In 2007 it led to a complaints process everyone now agrees is disproportionate, in 2010 it led to a system not yet implemented 14 years later (despite other jurisdictions leaping ahead). We hope new voices are listened to, and practical and proportionate approaches implemented which work for complainers and practitioners, are fair and proportionate, encourage the sharing of learning and the development of practice, and which increase confidence in legal services in Scotland.