



ANNUAL REPORT

**SCOTTISH LEGAL
COMPLAINTS
COMMISSION**

2019 - 2020

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Chair's Introduction



The SLCC began this year building on significant improvements in our performance in the previous year and throughout this strategy period. I'm proud to say that we have ended the year having maintained and further improved on that performance, despite the current challenging circumstances. That achievement is testament to the hard work and commitment of our staff and board.

We acted fast to respond to Covid-19 and the accompanying lockdown, ensuring safe, secure and productive homeworking, and issuing supportive guidance to the profession. This allowed us to continue to deliver all of our functions and statutory duties remotely, and to meet the needs and expectations of those seeking redress and resolution.

Within days, we issued a regulatory forbearance statement to give the profession and the public reassurance and insight into how we would deal with the situation. Throughout this period, we have worked closely with lawyers and firms to ensure access to files and responses to complaints, despite the challenges they were facing, and our thanks go to them for engaging positively with us on this.

While the situation was unprecedented, that agile, responsive approach is one the SLCC aims to take in all its work. I am proud that we have been able to deliver that in such challenging circumstances.

Throughout the year, the organisation has continued to focus on performance. Cost is always a key concern and one we monitor closely. As efficiency has improved, we have brought a greater focus on quality and customer service, and that is reflected in our new 2020-24 strategy.

There is, of course, significant uncertainty in the coming year. Looking ahead, we will be reviewing our strategy for the developing situation, and our agility in responding to it will continue to be tested. I am confident that the organisation will continue to rise to the challenge. Internally, we will be recruiting new board members to join us, and I want to extend my thanks to departing members Amanda, Emma and Michelle for their service and contribution to our work.

What we do know, and have seen clearly throughout the latter part of this year, is that people continue to bring their complaints to us, with lawyers and legal services users alike looking for swift and effective

“We acted fast to respond to Covid-19 and the accompanying lockdown”

resolution when issues arise. Our duty is to continue to deliver for them, and to use our insight to help drive the systemic improvements needed to avoid those same issues reoccurring.

That commitment to systemic improvement informs our continued focus on the need for reform of the complaints, redress and wider regulatory systems. We have a statutory duty to follow a slow and cumbersome process that builds in delay and confusion. At best, it is frustrating and dispiriting for complainers who want to move on, and stressful for lawyers who work under the cloud of an unresolved complaint. At worst, it can prolong difficult experiences or situations for vulnerable individuals, without any flexibility for us to adapt the process to recognise the specifics of the individual complaint.

As we begin our new strategy, the SLCC will continue to strive for improvement in its own performance, to seek opportunities to drive improvement across the wider sector, and to call for much needed reform to deliver improvement in the regulation of legal services in Scotland.

Jim Martin, Chair

CEO's Foreword



As has already been noted, this has been an unprecedented year where a global challenge has affected every aspect of all of our lives.

For every member of our team there was a significant challenge in moving to full remote working, but the change was made swiftly and effectively and I must join our Chair in extending my thanks to all staff and board colleagues.

Core performance

Evidence of this can be found in our core performance results. Despite the challenging circumstances we ended the year with the lowest 'work in progress' in many years, without any backlogs at any stage, and with best 'complaints journey' time in many years. In the last months we were aided by a lower incoming level of complaints, but even without that assistance we had exceeded the targets we had set internally for year end. This in turn meant we did not need to replace some departing members of staff, leading to savings against planned expenditure at the end of the year. We now need to consider how all these factors may assist with budgeting and planning for next year. More information on our performance is in this

report, and in the associated [Annual Accounts](#).

New strategy

One of the most notable parts of the year was when we consulted on and developed a new strategy. The process was valuable in identifying a core need for the organisation be flexible, agile, and digitally enabled. This was to deal with greater uncertainty we perhaps saw coming from Brexit, a greater incidence of extreme weather events, and the risk of a recession based on economic indicators. However, this focus in our discussions proved invaluable in our response to Covid-19.

Digital

Nowhere was this more evident than around IT issues where we were preparing for the new '*digital*' strand in our strategy. It was fortuitous that we were rolling out remote access for all staff, choosing laptops over desktops, starting to think of a move to a fully paperless approach, and moving to Office 365. At the end of last year's annual report I wrote "*Perhaps our biggest innovation and achievement is to move many of our determination meetings of Commissioners fully 'online'*". Because we'd committed to that innovation, our

“this has been an unprecedented year where a global challenge has affected every aspect of all of our lives.”

Commissioners’ adjudications never stopped during lockdown, and we continued to help the public and profession resolve issues or get a timely outcome which allowed them to move on. We know from research how stressful the complaints process can be for all parties.

Legislative reform

As well as focussing on internal efficiency and productivity, we have also continued to advocate for other approaches to achieving improvement. We worked throughout the year with the Scottish Government and other stakeholders on possible changes to our legislation, through statutory instrument, and through wider legislative reform in the longer term. We remain supportive of the recommendations made in the Scottish Government commissioned independent review, ‘Fit for the Future’ published in October 2018.

Quality

We have also made sure that our work to ensure a proportionate system within the current framework does not impact on quality. A new quality framework was agreed by board, and the management team implemented and tracked new quality indicators. We invested in staff and board member development, and piloted a new digital tool to assist us in using clear and

accessible language when we provide the reasons behind our decisions. We continue to be proud that we resolve a significant proportion of complaints through supporting the parties to agree an outcome, rather than by formal determination. We firmly believe the system should be based on resolution and outcomes, not how many cases proceed to the expensive and time-consuming final stage of the system, and we invest our resources accordingly.

We hope that this report gives a flavour of our work and impact in the year past, and at the end of this report I share my thoughts on the future.

Neil Stevenson, Chief Executive

Our strategy – then and now



2019-20 marked the end of our four year strategy. In the four years since 1 July 2016, we have accomplished a great deal. Here are a few highlights.

Performance improvement

By training staff in performance improvement, we were able to achieve some very significant improvements in our complaints handling processes. Our average 'journey time' for complaints halved over the strategy period. This is a key factor for complainers and lawyers, and the positive result of ongoing efficiency work. We also halved the number of complaints in process by eliminating some of the backlogs we had at the start of our process.

Digital

We improved digital aspects of our process, including developing a new, more accessible website and moving our Commissioner decisions online. Digital will continue to be a focus in the coming year under our new strategy.

Prevention

We focussed on prevention and released guides for the profession on preventing the common causes of complaints, and how to

deal with complaints once they were made to the firm. We also produced easy-read and plain English materials for consumers on how to make a complaint. In addition, we produced guides for both lawyers and consumers on key areas of law, including family law, criminal law, and wills and executries.

Regulatory Reform

More widely, we called for major changes in the way the legal profession is regulated, and 30 of our recommendations were included in the Scottish Government commissioned independent review, 'Fit for the Future'.

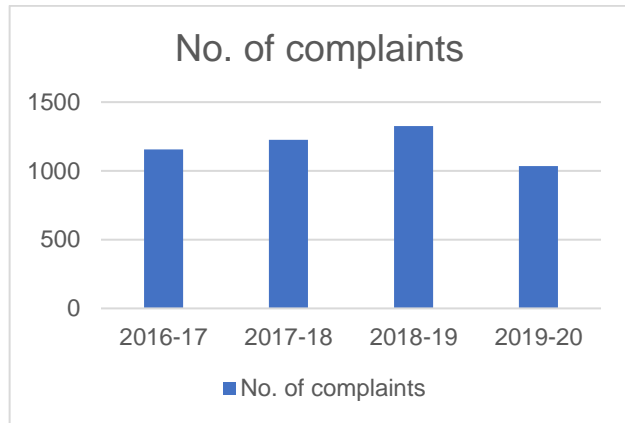
Social impact

We signed the social impact pledge to increase the positive impact we make on our community. In addition, our reporting on the Scottish Biodiversity duty was commended. Finally, our staff did an incredible job raising money for our various staff charities.

Complaints received

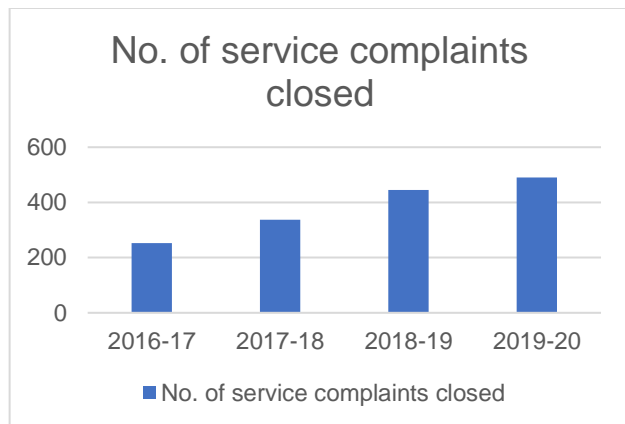
Year	Number of complaints
2016-17	1155
2017-18	1227
2018-19	1326
2019-20	1036*

*The impact of Covid-19, lockdown and associated restrictions was evident in significantly lower incoming complaint numbers in the final four months of this year.

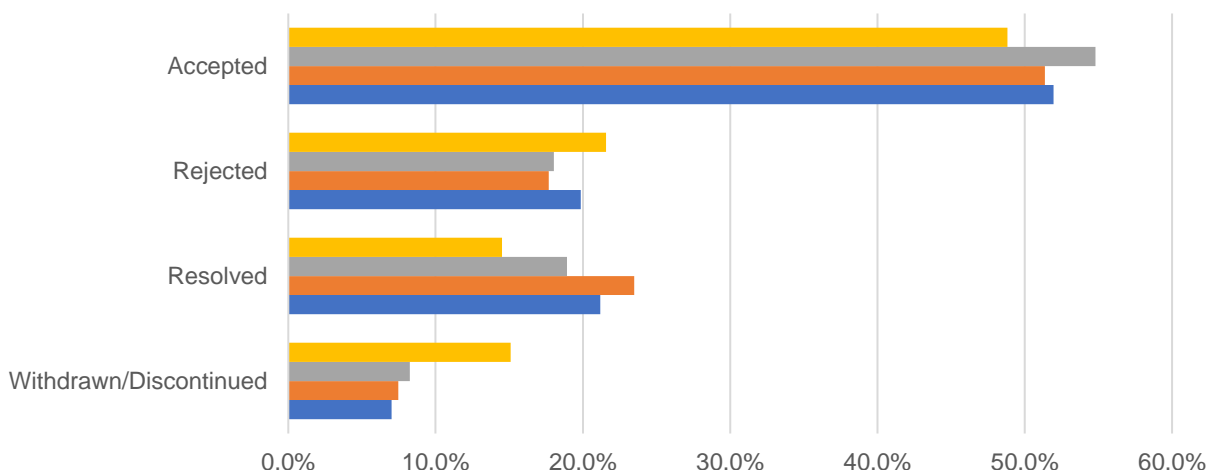


Service complaints completed

Year	Number of service complaints closed
2016-17	253
2017-18	337
2018-19	445
2019-20	490



Comparative accept/reject outcomes at eligibility 2016-20



	Withdrawn/Discontinued	Resolved	Rejected	Accepted
2016-17	15.1%	14.5%	21.6%	48.8%
2017-18	8.2%	18.9%	18.0%	54.8%
2018-19	7.5%	23.5%	17.7%	51.4%
2019-20	7.0%	21.2%	19.9%	52.0%

Our Board



SLCC Board, back row left to right: Denise Loney; Jim Martin (Chair); Sarah McLuckie; Neil Stevenson (CEO); Kay Springham QC; Sara Hesp. Front row left to right: Dr Michelle Hynd; Morag Sheppard; Emma Hutton; Amanda Pringle.

Our board members lead and support the SLCC as 'Commissioners' in two key ways.

Led by our chair, Jim Martin, the full board meets formally six times a year to oversee the work of the SLCC. The focus of our board's discussions is performance data, customer feedback and key policy issues.

Throughout the year, board members participate in committee work and informal board development workshops to drive and inform the organisation's work.

Commissioners also make decisions on individual complaints, either as three-member determination committees making final binding decisions in the last stage of our process, or as a single Commissioner making decisions at eligibility stage.

Dr Michelle Hynd, Audit Committee

Chair: Audit Committee plays a key role in ensuring good governance and high levels of assurance of the SLCC's work. This year that included a full review of the organisational risk register, and reviewing the metrics used to ensure the quality of complaints outcomes and decisions. The committee also worked on outsourced internal audits of payroll (the SLCC's largest area of expenditure), the organisation's strategy development and planning process, and the first phase of an IT hardware and software refresh.

Amanda Pringle, Legal Member: Our determination committees always have a lay majority, but are chaired by a legal member. Part of the chair's role is to provide any legal knowledge needed by the lay members to ensure the most informed decision is made. Last year we developed a model to allow committees to discuss and agree some cases remotely, and around 70% of our decisions are now made this way. Doing so has reduced time and costs, and allows committees to focus in-person discussions on more complex cases.

Emma Hutton, Lay Member: As a board we scrutinise the SLCC's performance. Improving accessibility, delivering an efficient process and enhancing quality have all been key issues for the board this year. As well as discussing performance data, the board regularly reflects on

feedback from those who have been through the SLCC process to consider what improvements could be made. This year, the board has also provided challenge and support to the organisation on dealing with the impact of Covid-19 and remote working on the SLCC's work and staff.



Consumer Panel report

The SLCC's statutory Consumer Panel is an independent advisory panel, set up to assist the SLCC in understanding and taking account of the interests of consumers of legal services. This includes providing feedback to the SLCC, from a consumer viewpoint, on the effectiveness of policies and procedures.

This year saw the independent Consumer Panel building on its work in a number of key areas.

The consumer voice

The Panel continues to highlight the need for the consumer voice to be heard in discussions about reform of legal services regulation. The Scottish Government commissioned independent review, 'Fit for the Future' review highlighted the lack of consumer research in this area, so we took the opportunity to contribute to some polling by the SLCC to understand the barriers to making a complaint within the current system, listening to the actual voice of consumers.

We found many people would be reluctant to make complaints about lawyers in the current regulatory system, due to concerns about fairness, bias, and impartiality. This appears to be damaging confidence in the system and putting people off coming forward to raise concerns.

55% of those asked said that they'd be worried about raising a complaint about a lawyer within the current system, where the organisations that regulate lawyers also represents them. When asked to put this into their own words:

- **36%** of responses included concerns about fairness, bias, and impartiality
- **18%** raised themes around lawyers sticking together or protecting each other
- **19%** raised concerns around whether their complaint would be taken seriously
- **12%** thought not understanding legal issues or use of legal jargon would be a barrier.

"I had a complaint but I did not pursue it because I felt that lawyers would protect each other."

"[I would be concerned] that the complaint would not be taken seriously or those dealing with the complaint may favour the lawyer without weighing up all the information."

Insight like this will help us to deliver reforms that truly meet consumer needs and inspire public confidence – an outcome we all want to see.

We also welcomed the inclusion of consumer voices, including the Panel itself and several other consumer bodies on the

“We found many people would be reluctant to make complaints about lawyers in the current regulatory system”

Scottish Government convened working group on regulatory reform, and we have continued dialogue with the Scottish Government on how to take an approach which bases solutions on the views of the public as well as the profession and other stakeholders.

Consumer vulnerability

We were delighted to see the learning from our *Consumers at risk of vulnerability* guide, published last year, being considered by the Scottish Parliament as part of its deliberations on the Consumer Scotland Act 2020. The definition of vulnerability contained in the Act drew on our work, recognising that a person’s circumstances or characteristics can mean they may have significantly fewer or less favourable options, or be at a greater risk of detriment. The Panel is looking forward to working with Consumer Scotland, when it is established.

Closer to home, the SLCC used the guide as a tool in its recent review of its own accessibility, drawing on the questions posed to challenge its own thinking on how it can better assist people to access its service, and support those who might need it to do so. We are pleased to see the application of this work, and we hope to encourage lawyers, firms and regulators to consider how they might use the guide in their work.

Finally, the Panel is delighted to have been able to share information on our work on consumer principles with the newly established Victorian Legal Services Board + Commissioner’s Consumer Panel in Victoria, Australia. We look forward to continued opportunities to exchange thinking with them, and others, in the coming year.

Shaben Begum, Consumer Panel Chair

Performance Overview



While the Covid-19 pandemic has been disruptive, we were lucky to have been in a strong position when it hit. Building on the performance improvements we mentioned in last year's report, we have been able to keep up something like 'business as usual'.

As a result of previous and ongoing improvement work, we were able to significantly reduce waiting times at the earliest stage of our process.

This made sure that complainers and lawyers could get a decision or resolution on a complaint sooner, even during lockdown.

Delivering our service remotely

This is not to say that there has been zero impact on

our work from Covid-19

We acted swiftly to make sure our staff could continue their work from home and access our systems remotely. While we were already increasingly working digitally to reduce paper use, this has advanced

further during the pandemic period.

While the pandemic has reduced the number of incoming complaints since March, there is still a steady stream of complaints coming to us and we have continued to work on these, in line with our statutory duties. We also saw that the resolution of complaints without a formal decision continues to be a key feature of our approach, as it has in previous years.

In the past we have conducted telephone and video mediations, which allowed some degree of flexibility in responding to lockdown in this core area of our work. We would especially like to



thank our panel of independent mediators who helped us build on this experience, and adapted their way of working to facilitate remote mediations.

“Building on the performance improvements we mentioned in last year’s report, we have been able to keep up something like ‘business as usual’

Our panel is made up of highly experienced professional mediators, including Adrian Kirkpatrick, Aileen Riddell, Andrew Boyd, Carolyn Hirst, Charlie Irvine, Jenny Haslam, Linda Paterson, Lindsay Burley, Morag Steven, Patrick Scott and Robin Burley. Three new mediators were recruited to the panel this year.

There are other challenges that we still face – such as lawyers and firms not providing us with their file at investigation, or delaying in doing so. During lockdown we had to balance the current situation with our duty to consider complaints and developed new digital solutions for firms to provide their files to us. We will continue to look at this in the next year.

In 2019 we had already started holding ‘remote determination committees’ where our commissioners considered the information on complaints remotely online, rather than in a meeting. If further discussion is needed members will hold a conference call. This innovation in our process proved invaluable when lockdown hit.

Customer service

We continue to reflect on and seek to improve our ways of working, including considering how best to ensure productivity and customer service when working

remotely. We will be building on what we have learned during lockdown and carrying out a number of projects focussing on customer service, accessible language and quality in our 2020-21 year and onwards.

Caroline Robertson, Director of Resolution

Our wider regulatory duties



Prevention and improvement have been key parts of the SLCC's strategy for the last four years, and we will carry them forward into our new strategy.

Sharing insight

This year we continued to reach individuals across the breadth of the legal profession to share our insight on the common causes and triggers for complaints. This can help lawyers and firms to reduce complaints, and deal with them well when they do arise. We spoke at conferences and events, took part in podcasts, and met with individual firms to share learning and discuss best practice. When lockdown hit, we took our outreach work online, using video-conferencing to deliver sessions remotely.

Providing more online and digital content was already part of our aim, but we were pleased to be able to continue to deliver our outreach work in these challenging circumstances. We will continue this into next year.

Oversight of professional bodies

We continued to deliver our oversight duties in scrutinising how the professional bodies (the Law Society of Scotland, the Faculty of Advocates and the Association of Commercial Attorneys) deal with conduct complaints about their members. This year, following a change to the regulations in 2014, we completed our first handling complaint from the lawyer complained about in the original complaint. We also dealt with a number of complaints made by the original complainers about the way their complaints were handled.

As part of our handling complaints process, we can and do make recommendations to the professional bodies on improving their systems for handling conduct complaints.



Full statistics on the handling complaints we dealt with are in the statistics section of this report.

“Providing more online and digital content was already part of our aim”

Master Policy and the Client Protection Fund

We also continued dialogue with the Law Society of Scotland and others as part of our oversight of the Master Policy and the Client Protection Fund. This included productive discussions on ensuring that, wherever possible, complainers receive the redress they have been awarded.

Having completed an internal review of how we discharge our oversight duties, in the coming year we will consult with stakeholders on our proposed approach and priorities.

Scottish Mediation Charter

Finally, we continued our own improvement journey, engaging with others in the regulatory and ombudsman sector to benchmark our work and learn from emerging practice. As part of our continued commitment to promoting mediation – a key tool in our work – we also signed up to the Scottish Mediation Charter.

Vicky Crichton, Director of Public Policy

Our staff and industrial relations



Our staffing key performance indicators (KPIs) for this year are:

KPI	2019/20	2018/19
Average FTE	59	61
Average Sickness Days lost per staff member (including long term sickness)	13.6	10.9
Median Remuneration Ratio	1 : 2.2	1 : 2.3
Lowest Remuneration Paid	£22,332	£18,388
Money raised by Staff for Charity	£7,014	£5,662

Staff numbers reduced in 2019/20. This was partly made possible by process improvement work allowing us to handle cases more efficiently, and later in the year was due to us reviewing our resource requirement in light of Covid-19 and the impact this has had on incoming complaints.

Our sickness absence rates increased this year and 76% of all absence related to long-term sickness, which has impacted the 2019/20 average. Covid-19 has had no impact on the absence rates this year.

Our offering to our staff

This year, alongside the PCS trade union, we worked to bring our salary offering into line with current Scottish Government recommendations for Public Bodies. As well as implementing Scottish Government Pay Policy, we reduced our scale points from 6 pay progression points to 5 points. The impact has most helped our lowest paid staff.

In our 2019-20 pay agreement with PCS we also increased our bereavement leave for immediate family to 5 days and 2 days for extended family. We introduced 3 paid days dependant leave and made a commitment to review our flexi leave policy. As a result of Covid-19 and remote working we have had to delay making changes to our flexi leave policy.

Staff wellbeing

This year's Equalities Survey showed that 63% of our staff are female, and 10% identify as LGBTQ. 22% of our staff are primary carers and 98% of our staff believe the SLCC is a fair place to work.

Covid-19 has had a huge impact on our staff and we moved to remote working

“We acted to make sure our staff can work from home safely while making sure staff felt supported”

very quickly. We acted to make sure our staff can work from home safely while making sure they felt supported. Over the last 6 months of the operational year we have carried out home working display screen equipment assessments to make sure our staff had the correct set up at home. We introduced a wellbeing and inclusion group to provide support and events that have covered mental health, health and safety and social events.

We also introduced Trickle, a real-time employee engagement and wellbeing platform. This has allowed staff to flag remote working or wellbeing issues and confidentially ask for advice and support during lockdown. We also carried out a wellbeing survey to check in with our staff and have supported staff to work flexibly to suit their personal circumstances during lockdown.

Our 2019/20 staff charity this year was Alzheimer Scotland and staff raised an amazing £7,014. Events included the Kiltwalk, various auctions and raffles, and a bring and buy sale. During lockdown we kept fundraising with 7 staff challenging themselves to run throughout April.

Louise Burnett, Director of Business Performance



National Performance Framework

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) people live in communities that are inclusive, empowered, resilient and safe

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. This year an independent consultant assisted us to test and review our accessibility, and we are now implementing further refinement. 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 a professional service is provided, which is especially important for vulnerable users. Resilience for communities includes ensuring their access to justice, and our work to deliver all services remotely during the Covid-19 response supported this.

(ii) people are creative and their vibrant and diverse cultures are expressed and enjoyed widely

We actively support diversity and inclusivity, and this work is acknowledged in our staff equality survey results. This year we reviewed our approach to equality and

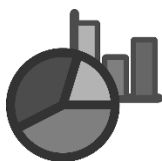
accessibility, and started planning to reach out to a wide and diverse pool of possible future board members for the SLCC.

We theme our profile-raising work around inclusive themes, from International Women's day to Mental Health Awareness Week.

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

(iv) people 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, encourages consumer confidence and consumer spending. We ensure our rules and statutory guidance do not artificially limit growth or innovation. In response to Covid-19 we rapidly issued a regulatory forbearance statement, indicating how we would adapt our approach to avoid undue pressure on law firms at this challenging time, whilst still ensuring we delivered our statutory duties. We also deferred 50% of our levy on the profession to allow firms more time to pay.



Statistics

In this section you'll find statistics relating to our complaints work

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?

	2019/20	2018/19
Complaints still open from previous year	685	849
New complaints received	1036	1326
Complaints reopened	92	80
Complaints closed at all stages	1402	1549
Complaints open at end of year	436*	685

*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:	2019/20	2018/19
Initial stages:		
Prematurity	215	192
Eligibility (includes accepted conduct)	697	726
Accepted service complaints:		
Mediation	45	80
Investigation	247	227
Determination	198	138

Who were the complaints about?

	2019/20	2018/19
Solicitors or firms of solicitors	1013	1300
Advocates	23	26
Complaints accepted for investigation:		

Solicitors or firms of solicitors	553	730
Advocates	14	5
Complaints rejected or closed before a decision to accept/reject (including at prematurity stage)		
Solicitors or firms of solicitors	526	868
Advocates	16	20

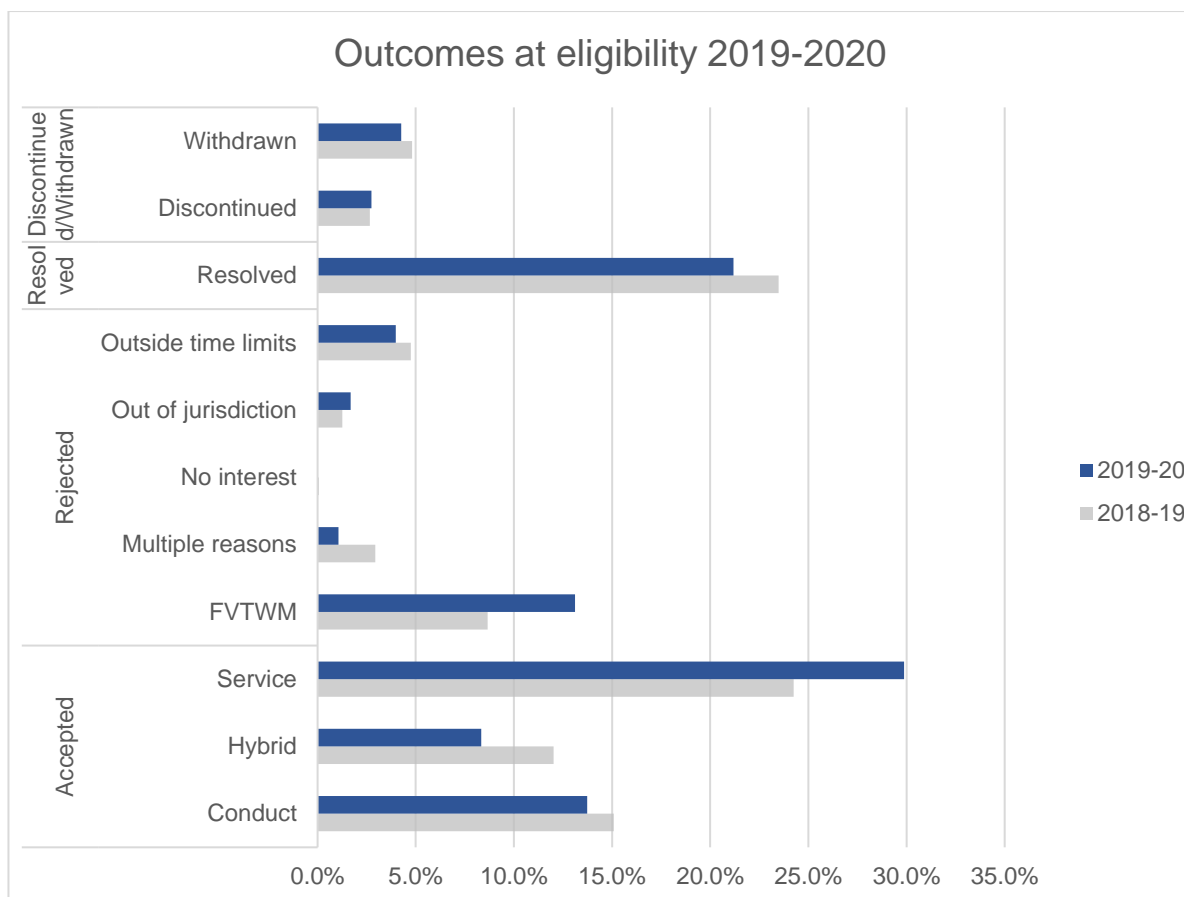
There were no complaints against commercial attorneys (members of the Association of Commercial Attorneys).

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?

	2019/20	<i>2018/19</i>
Complaints accepted for investigation	567	735
Complaints rejected for investigation	224	253
Complaints closed before a decision to accept/reject	318	443



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

See Our [strategy – then and now](#) for longer term trends at eligibility.

What kind of complaints did we accept for investigation?

	2019/20	2018/19
Service complaints accepted for an investigation by the SLCC	337	347
Conduct complaints accepted for an investigation by the Law Society of Scotland or the Faculty of Advocates	155	216
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	94	172

Why did we reject complaints for investigation?

	2019/20	2018/19
The whole complaint was made after the time limit	45	68

The whole complaint was 'frivolous, vexatious or totally without merit'	148	124
Some parts were after the time limit. The rest were 'frivolous, vexatious or totally without merit'	12	42
The complaint wasn't about a regulated legal practitioner in Scotland	19	18

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

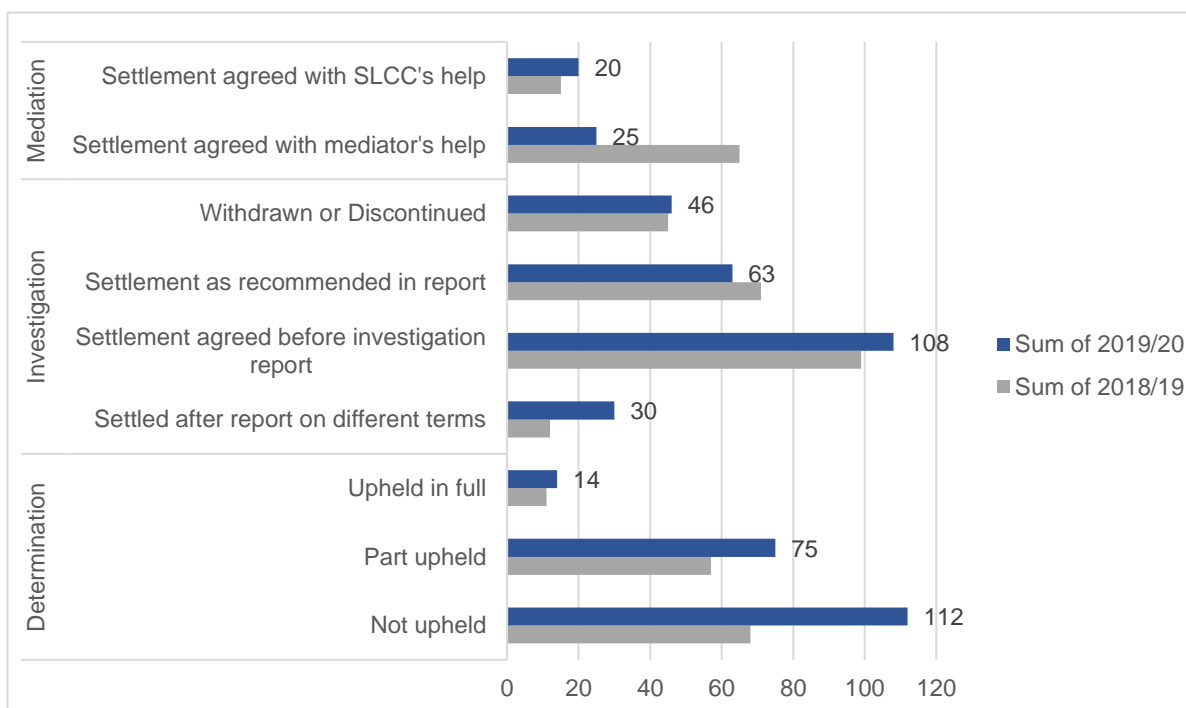
	2019/20	2018/19
Resolved (see below for details)	239	336
Withdrawn (see below for details)	48	69
Discontinued (see below for details)	31	38

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.



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.

	2019/20	2018/19
Both sides agreed a settlement at a meeting with the help of an independent mediator	25	65
Both sides agreed a settlement with the help of the SLCC's mediation co-ordinator	20	15

How successful were mediations?

	2019/20	2018/19
Both sides agreed to a mediation meeting	26%	39%
The mediation meeting was successful	67%	71%

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.

	2019/20	2018/19
Settlement agreed before the investigation report	108	99
Settled as recommended by investigation report	63	71
Settlement agreed after the investigation report on different terms	30	12
Withdrawn by complainer or discontinued by the SLCC due to lack of contact from the complainer	46	45

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.

	2019/20	<i>2018/19</i>
Whole complaint was upheld by the determination committee	14	<i>11</i>
Parts of the complaint were upheld by the determination committee	72	<i>57</i>
None of the complaint was upheld by the determination committee	112	<i>68</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.

	Eligibility	Determination	Total
In progress at the start of the year	8	1	9
Received	11	1	12
Won	7	0	7
Lost	2*	0	2
Conceded	2	0	2
In progress at the end of the year	8	2	10

*These were appeals where we lost part of the appeal, but won other parts.

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.

	Law Society of Scotland	Faculty of Advocates	Total
In progress at the start of the year	9	0	9
New	7	0	7
Rejected – with reason	1	0	1
Accepted for investigation	6	0	6
Closed on report	5	0	5

In progress at the end of the year	10	0	10
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The handling complaints in progress number is relatively high compared to previous years, in part due to linked cases (5 from one complainer, 2 from another complainer).

Scottish Legal Services Ombudsman complaints

10 years after the Scottish Legal Services Ombudsman was disbanded and its powers were transferred to us, we can still receive complaints that are under its powers. None were received in this year, however we are reporting the zero figure for transparency.

What were the outcomes of complaints about our service?

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

Service delivery complaint outcomes

	Stage 1	Stage 2
Upheld	1	0
Partly Upheld	8	4
Not Upheld	19	5
Resolved	0	0
Withdrawn	0	0
Other	1	0
Total SDCs	29	9

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 33 requests for information during our year.

Requests and responses

Requests received in year	33
Requests responded to on time in year	32

Requests dealt with in year

Request was unclear	1
Withdrawn by requester	1
Disclosed all information	8
No information disclosed	11

Disclosed some information	8
We didn't hold the information	2
Refused to confirm or deny whether the information was held	2
Refused as the cost in preparing the information would be too high	2
The request was 'vexatious'	2

Exemptions used in year

The information was otherwise accessible	7
Disclosure prohibited under another enactment (e.g. section 43 of our legislation)	16
Substantial prejudice to effective conduct of public affairs	12
Personal data of the applicant	2
Third party personal data	2

Reviews of our responses to Freedom of Information requests

FOISA reviews	1
FOISA review - wholly/partially upheld	1

Data protection

Subject Access Requests	50
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Closing Comments



We face a year with almost unique levels of uncertainty ahead.

Covid-19, and its impact on society, sets a context where we must plan for a future where we do not yet know the full and long-term impact of what has already happened. However, it also means but we must plan for further possible lockdowns and restrictions, and the further unknown impacts those may have.

It would be easy to forget, but in addition we have Brexit and the impact that may have. We have positive work with the Scottish Government and professional bodies on possible medium-term changes to the Act that governs our work, changes which could aid efficiency and effectiveness, but which would lead to a period of operational change during implementation. We have uncertainty as to whether 'ABS' (alternative business structures - new forms of legal business) will be finally implemented. While we are the strongest proponent for reform of complaints and regulation, the consultation on wider legislative reform also brings uncertainty. During this period we will also lose valuable experience on our board (although we look forward to welcoming new members).

Complaint numbers

Finally, as an organisation designed to respond to demand, all of the above have the potential to impact the incoming numbers of complaints. This is not a figure we control, and there are fully supportable scenarios and projections based on the external context which suggest everything

from a continuing reduced level of complaints, to a gradual return to previous higher levels, or a 'spike' as issues from lockdown work through the system. We continue to look at our own data, liaise with the sector, and speak to other complaints bodies to try to ensure projections are based on the best available data.

Flexible and agile

Our moves over the last four years to a more flexible and agile organisation stand us in good stead for these challenges. Our near seamless move to remote working evidences that these changes are not superficial, but position us to deal quickly and effectively with a challenge few of us had fully envisaged as possible or likely. Our focus therefore needs to be on continually reviewing the situation, taking risk based and proportionate decisions, and adapting fast to the multiple challenges ahead. In this way we will ensure we deliver our statutory functions to the benefit of the public and profession, in the most efficiently and effective way and sympathetic to the uncertainty we all face together.

Strategy

We are currently discussing our strategy, and operating plans, in light of Covid-19, and will shortly be seeking stakeholder views. We will especially welcome comment on whether our priorities remain right. These are: to **deliver** our statutory role; to **innovate** in how we deliver; to work to **prevent** the common causes of complaints and to **influence** reform of the system.

Neil Stevenson, Chief Executive

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The logo for the Scottish Legal Complaints Commission (SLCC) is displayed within a magenta rectangular background. It features the text "scottish legal complaints commission" in a white, lowercase, sans-serif font, followed by the acronym "slcc" in a larger, bold, white, lowercase, sans-serif font.

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