



ANNUAL REPORT

**SCOTTISH LEGAL
COMPLAINTS
COMMISSION**

2018 - 2019

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Chair's Introduction



The year that this Report covers has seen the SLCC record its best performance since we came into being in 2008. Last year we dealt with more cases than ever before, and still managed to reduce backlogs and waiting times which had built up over the past few years. Our team have worked innovatively to improve our process and customer service despite the confines of our current over-restrictive legislation. The result has been a faster and more efficient legal complaints service for clients who need to complain and for the legal profession.

All of this has happened while facing rising numbers of complaints being brought to us. Although we are undoubtedly making good progress, nevertheless we still have some way to go to provide the level of service we aspire to give as part of a modern legal services regulatory and complaints structure.

While this year we helped hundreds of individual members of the public with their complaints, our work isn't just about negotiating settlements or making judgements on individual cases. It is about building a culture of improvement in legal services in Scotland so that complaints can be resolved as quickly as possible.

That is why we have adopted a 'polluter pays' approach to our work, where those responsible for providing an inadequate professional service meet the bulk of the costs of the complaints that arise. Last year we consulted on, and then finalised, an approach to our general levy and complaints levy that means that those who own and run law firms, the people who have the power to influence and change the culture in legal firms, will meet more of the costs when services provided go wrong, rather than have the burden being borne disproportionately by the legal profession as a whole.

For example, last year we reported that in 42% of cases, firms were late in replying to our initial request for their response to the complaint and for access to their files. This caused delays in complaints being investigated and lengthened the wait for complainers and solicitors. This is clearly unprofessional and unacceptable and disrespectful of both clients and the complaints process, but it also represents an opportunity for improvement in service and an easy quick fix for those firms who truly want to deliver good customer service.

Although we've worked hard to improve our part of the system and find ways to support

“It is clear that the current system falls far short of what the public expect of effective regulation.”

improvement in the wider legal sector, there is only so much we can do. The complaints system is still cumbersome, unwieldy and not fit for purpose. The delay in taking forward last year’s Robertson Review of the regulation of legal services in Scotland has been disappointing. The current regulatory and complaints system are in urgent need of root and branch reform. It is clear that the current system falls far short of what the public expect of effective regulation.

Research carried out for us by YouGov found a clear lack of confidence in the current system of self regulation. When asked, only 19% of respondents felt that it was acceptable for an organisation to both represent lawyers and to regulate them. Only 21% were confident a body carrying out both functions could deal with complaints about lawyers fairly. 83% felt the regulator should be subject to Freedom of Information legislation and public scrutiny of finance (an important way of assessing accountability and transparency). There is clearly much that will need to be done to secure public confidence in the system.

I am optimistic that 2019/20 will be a year where at SLCC we will continue our

improvement journey and can begin to see a positive way forward and improvements in the regulation of legal services in Scotland.

Jim Martin, Chair

CEO's Foreword



Most people will have a positive experience of using a lawyer, although often in difficult life circumstances. Our work helps ensure that when members of the public do have a concern about legal services it's looked at. Sometimes we can reassure them as to the service provided, sometimes we can put matters right or award redress. We provide an essential service for the public, and benefit the profession by allowing them to show they are supported by independent consumer protection.

This year we have delivered that work for more people, and faster, than ever before. A huge thanks must go to our staff and Board who have all had to change the way they work, and have been involved in testing over 40 discrete ideas we thought could lead to improvements. Our internally developed variant of an 'agile' methodology, and an increased 'risk appetite', has been important, but having people enthusiastic and willing to change, and committed to our service, has undoubtedly been the deciding factor.

I would flag four achievements in particular:

Using service design principles (to place service user needs at the heart of how services are provided), and the better

regulation principles, to focus our work we now deliver around 90% of our outcomes without requiring an expensive and time consuming formal adjudication. In line with our 2016-2020 strategy, resolution 'on the steps of court' is now the vast majority of our work. The right to have the case admitted to the full statutory process and to have a formal decision always remains, but we would rather see those numbers fall in our performance reporting as we focus our resource on the consensual agreements which we know most parties actually prefer and are faster and more efficient to deliver.

We've started looking at behavioural science and 'nudge' as an influencer of behaviours, with one example being a move to 'opt out' mediation. This is perhaps a different approach from what the legislation envisaged, but is aimed at encouraging uptake of a service which, once people take part, has very high resolution rates, receives higher customer satisfaction scores (both lawyer and complainer) and again is more efficient.

We relaunched our website, again using service design principles and building it around carefully constructed 'personas' of those who use our service. The website improves accessibility for those with

“...determined to improve in efficiency and quality, and willing to innovate and take appropriate risks in change to achieve that.”

impairments, is presented in a direct, clear and consumer friendly ‘voice’, and allows complaints to be submitted by mobile phone, a key development as the internet tips from a computer based service to a mobile one.

Perhaps our biggest innovation and achievement is to move many of our determination meetings of Commissioners fully ‘online’, pushing at the boundaries of what the current legislation allows in terms of process but opening up faster and more robust decisions for the profession and public, who rate the time it takes to achieve an outcome as a key factor in assessing our ‘quality’. Further ‘digital first’ moves are planned in the coming year.

I hope this illustrates what I see on a daily basis: an organisation determined to improve in efficiency and quality, and willing to innovate and take appropriate risks in change to achieve that.

However, all this work doesn’t even help us stand still if complaints continue to rise, and each efficiency saving made risks being outstripped by the incoming tide. This year the increase was another 8% (a 30% increase over four years) meaning that just to stand still we need to find 8% further

efficiencies next year based on this year’s incoming, but also assume that there may be a further increase next year. This rise may come from increased transactions or changing consumer expectation, but we also see regular and avoidable trends such as simply failing to reply to clients and keep them updated on transactions.

We know discussing increasing complaints can be difficult for the profession, but we need to be transparent about what is driving cost within the current system. If these increased volumes are to be managed effectively change continues to be needed, and at the end of this report I set out the plans for the coming year.

Neil Stevenson, Chief Executive

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. As a group of nine, our chair Jim Martin chairs meetings six times a year to oversee the work of the SLCC.

The focus of our board’s discussions is key performance figures, customer feedback and key policy issues.

Our Audit Committee does additional work to ensure good governance and high levels of assurance.

More frequently, the lawyer members

chair three member ‘determination’ committees to make final binding decisions on complaints in the last stage of our process. In both cases, there is always a majority of non-lawyer members. All members may also be involved in individual decisions at ‘eligibility’ stage.

Our board members have a wide variety of backgrounds to contribute to the SLCC’s work.

This year, individual board members also undertook public speaking engagements relating to their work at the SLCC.



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.

I was elected by the consumer panel as its chair in June 2019, taking over from Carole Brennan. All of us on the panel are grateful to Carole for her leadership in developing it over the past few years. We also welcomed a number of new members to the consumer panel this year, bringing new experience and expertise to our work.

When Esther Robertson published her independent report into the regulation of legal services last year, our contributions to the debate and our focus on consumer principles were at the heart of the recommendations. Making sure that the consumer voice is heard in the discussion will continue to be a major strand of our work in the coming work.

Consumer vulnerability was a big focus of our work this year, with our guide *Legal complaints in Scotland: Consumers at risk of vulnerability*. When members of the public engage with a lawyer, this will generally be a stage in their lives in which they are vulnerable. We held a roundtable discussion with views from individuals and representatives from inside and outside the legal sector. Our guide summarised some of the key points from that rich discussion, whilst also setting out some questions for legal service providers, regulators and

complaint handlers. A brief video introduced the guide, and some of the key themes from the discussion.

We responded to the Scottish Government's consultation on Consumer Scotland and will be following and contributing to the Consumer Scotland Bill as it passes through Parliament.

We also responded to a number of other consultations in the year:

- Law Society of Scotland consultation on price transparency
- A consultation by the Lord President on an application by the Association of Commercial Attorneys re: Rights of Audience etc
- A Scottish Government consultation on *Complaints against Approved Regulators (Scotland) Regulations 2018* and related Administrative Guidance

Looking ahead, we will continue our work to put consumers at the heart of legal services. We also look forward to giving our input to the SLCC as it develops its new strategy.

Shaben Begum MBE, Consumer Panel Chair

Performance Overview



At the end of the previous year, we were in our third year of rising complaint numbers. Along with other factors, this had led to delays in our process. We were already testing changes to improve our service and were waiting to see their impact.

The impact was very positive. Despite seeing another increase in complaint numbers within this year, performance in every stage of our process has nevertheless improved.

With the new approaches, our staff managed a 20%+ increase in cases closed, and for the first time in several years, we ended the year with fewer complaint cases in progress than we started. Not only this, we have also reduced the time parties have to wait for a complaint to be considered.

The main change we have made throughout the process is adopting a “tool box” style

approach to all work. This empowers our staff to manage each complaint fairly depending on its individual circumstances, but also choosing an approach which is proportionate and timely.

This is instead of treating each case exactly the same despite the individual nature of the complaint made to us.

Some of the specific changes included:



- A new, simpler template for ‘gateway’ eligibility accept/reject decisions
- An ‘opt-out’ approach at mediation
- Also using a ‘toolbox’ of techniques at investigation
- Using ‘virtual’ panels to make

some decisions, with members ‘meeting’ online

Our strategic focus on early resolution continued to see faster outcomes for

“Despite seeing another increase in complaint numbers within this year, performance in every stage of our process has nevertheless improved.”

complaints for detailed investigation, however, where both parties consent we can ‘resolve’ a case meaning we do not need to apply the full statutory process.

This year nearly a quarter of cases were closed as ‘resolved’ at this stage. We also increased the number of cases resolved at mediation stage, and at the investigation stage.

This meant the number of cases reaching a ‘determination’ committee at the final stage of our process remained steady.

In addition to an overall increase in complaint numbers, we received an unprecedented group of 84 linked cases. It is a credit to our staff and our commissioners that despite this, there were still big increases in the number of complaints dealt with. Much of this success is due to our new approach and being innovative and adaptable to the needs to each case.

Caroline Robertson, Director of Resolution

Our wider regulatory duties



October 2018 marked the SLCC's 10th birthday – [this video](#) has some of the highlights. Since our set-up, we have dealt with thousands of complaints about the service or conduct of lawyers and law firms.

The SLCC's work goes beyond individual complaints though – we were set up to promote improvement in the quality of service and complaint handling in Scotland's legal sector.

One of our goals is to help reduce the common causes of complaints at source. We do this through a number of important duties. How did we carry these out in the 2018-19 year?

We have oversight of the Guarantee Fund (now trading as the Client Protection Fund) and Master Policy arrangements. In the year we worked with the organiser of these schemes, the Law Society of Scotland. We shared information and had constructive discussions on risk and trends in client

dissatisfaction: this helps us collectively to understand which issues to tackle and where in the sector they are occurring. The Law Society of Scotland also confirmed that we would have 'observer status' when the Master Policy brokerage is next re-tendered.

We also dealt with a number of 'handling' complaints about how the professional bodies (i.e. the Law Society of Scotland, the Faculty of Advocates and the Association of Commercial Attorneys) dealt with conduct

complaints about their members. For the first time, we received and accepted a handling complaint from the lawyer complained about in the original conduct complaint rather than the complainer.

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 annual report.



“we were set up promote improvement in the quality of service and complaint handling in Scotland’s legal sector”

On a related note, in 2019 we carried out a follow up audit of the Faculty of Advocates’ procedures for handling conduct complaints about advocates. This built on previous work in 2016 and 2017, with the aim of reviewing whether the recommendations in those audits had been implemented. We made six new recommendations, along with timescales for meeting them. The co-operation of the Faculty of Advocates and its Chief Executive and Secretariat Executive was noted.

We also spoke to the profession and shared back what we’ve learned from thousands of complaints. Our staff travelled around Scotland to deliver training and presentations on best practice in service and complaint handling to a broad range of audiences - in terms of geography, firm size and career stage. This included joint events with the Law Society of Scotland, commercial training providers and local faculties of solicitors.

As well as outreach through events, we launched new guides for the profession – a general guide on complaints prevention and a specific guide on avoiding complaints in family law work (both pictured). These guides also aim to help

reduce the common causes of complaints, especially important when we have been seeing a trend of complaint numbers increasing.

This year we finalised a process for recognising trends in complaints against specific firms. This means we can then carry out targeted outreach, such as training, to work with them to improve.

Finally, in an important improvement in our own work, we launched our new redesigned website in June 2019 which is faster, clearer and helps make the process of making a complaint more accessible.

Vicky Crichton, Director of Public Policy

Our staff and industrial relations



Staff numbers continued to increase in 2018-19, with us recruiting administrators and case support officers in the year and two new directors joining as a result of the management restructure. These roles were introduced to improve core performance.

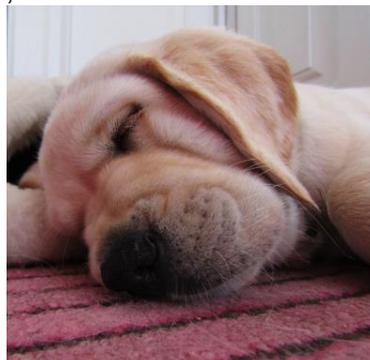
As mentioned in previous annual reports, we have a long-standing system of staff representatives who have regular meetings with the management team.

This year, we entered into a voluntary recognition agreement with the Public and Commercial Services Union (PCS). We recognise the benefits of a positive and open relationship with a trade union and our two current staff representatives agreed to take on the PCS trade union representative role. This has helped with the transition. At the end of 2018-19 we entered into our first pay discussion and the outcome of this is expected in 2019-2020.

Mental health awareness has been a big focus this year, and in May, as part of Mental Health Awareness week, 17 of our staff were trained as mental health first aiders. We also continue to work on ways to improve staff wellbeing and began working towards gaining our Bronze Healthy Working Lives Award.

Preliminary work was also carried out to prepare for the updating our IT and facilities to support staff, and support agile working,.

We also had a successful year raising money for our staff charity – Canine Partners assistance dogs. In total, we raised £5,661.67 and this saw staff competing in auctions, SLCC’s very own Bake Off and four brave staff abseiled down the Forth Road Bridge. As the total raised for Canine Partners was over £5,000,



staff were allowed to propose names for a new assistance dog and Kat the puppy (above) has begun her training.

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. Information and guidance on making a complaint, and our statutory duty to provide advice, ensure 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.

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

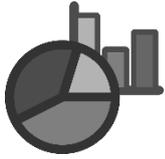
We actively support diversity and inclusivity, and this work is acknowledged in our staff equality survey results and through our board being [cited](#) as an exemplar of diversity in action in board governance.

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, encourage consumer confidence and consumer spending. We ensure our rules and statutory guidance do not artificially limit growth or innovation.



Statistics

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

A note on the 84 linked cases

In the 2018-19 year we received an unprecedented group of 84 linked cases. These came from 42 individual complainers, covering 2 firms. We were required to assess and determine the eligibility of each case separately. 42 proceeded to investigation, and will require individual determinations. These cases are noted in the statistics below for transparency.

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.

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Complaints in progress at the start of the year	849 (+42)	<i>807</i>
New complaints	1326 (+99) [this includes 84 linked complaints]	<i>1227</i>
Reopened complaints	80 (-9)	<i>89</i>
Complaints closed at all stages	1549 (+281) [this includes 42 of the linked complaints]	<i>1268</i>
Complaints in progress at the end of year	685* (-164) [this includes 42 of the linked complaints]	<i>849*</i>

* "Adjustment for administrative reasons" – not all numbers will add to the totals provided. We are making more transparent a number of adjustments that take place for administrative reasons. Examples would include where someone has submitted an identical paper and electronic complaint form, or where two complaints are merged (issues a complainer has raised separately but which represent one complaint).

Complaints by type of lawyer

	This year - 18/19	<i>Last year - 17/18</i>
	18/19	<i>17/18</i>
Complaints received		
Solicitors	1300 [this includes the 84 linked complaints]	<i>1213</i>
Advocates	26	<i>14</i>
Accepted for investigation		
Solicitors	730 [this includes 42 of the linked complaints]	<i>579</i>
Advocates	5	<i>7</i>

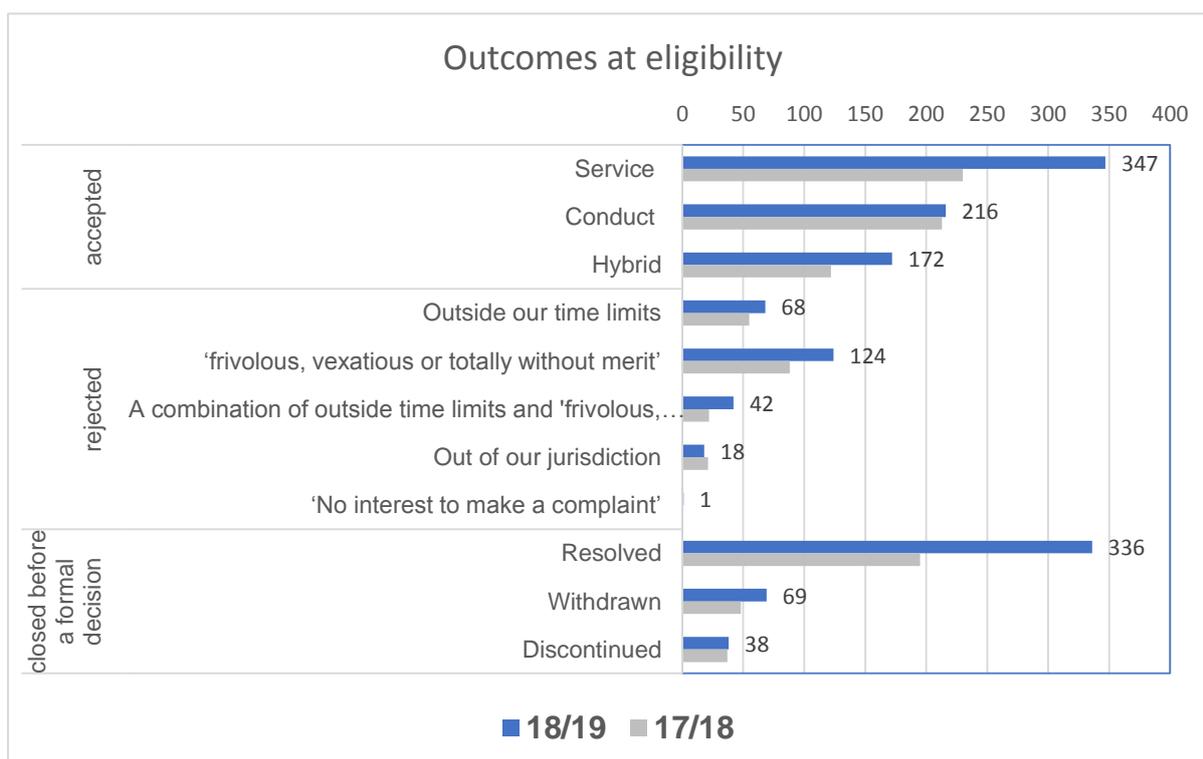
	This year - 18/19	<i>Last year - 17/18</i>
Rejected or closed before a formal decision		
Solicitors	868 [this includes 42 of the linked complaints]	<i>734</i>
Advocates	20	<i>6</i>

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.

Summary of eligibility outcomes

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Accepted for investigation	735 (+170) [this includes 42 of the linked complaints]	<i>565</i>
Rejected and closed	253 (+67)	<i>186</i>
Closed before a formal decision	443 (+163) [this includes 42 of the linked complaints]	<i>280</i>



Summary of complaints accepted for further investigation

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Service (investigated by the SLCC)	347 (+111) [this includes 42 of the linked complaints]	230
Conduct (investigated by the relevant professional body, e.g. Law Society of Scotland, Faculty of Advocates)	216 (+3)	213
Hybrid (service issues and conduct issues will be investigated separately by the SLCC and the relevant professional body)	172 (+50)	122

Summary of complaints rejected and closed

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Outside our time limits	68 (+13)	55
'frivolous, vexatious or totally without merit'	124 (+36)	88
A combination of the two above	42 (+20)	22
Out of our jurisdiction	18 (+3)	21
'No interest to make a complaint'	1 (+1)	0

Summary of complaints closed before a formal decision to accept or reject

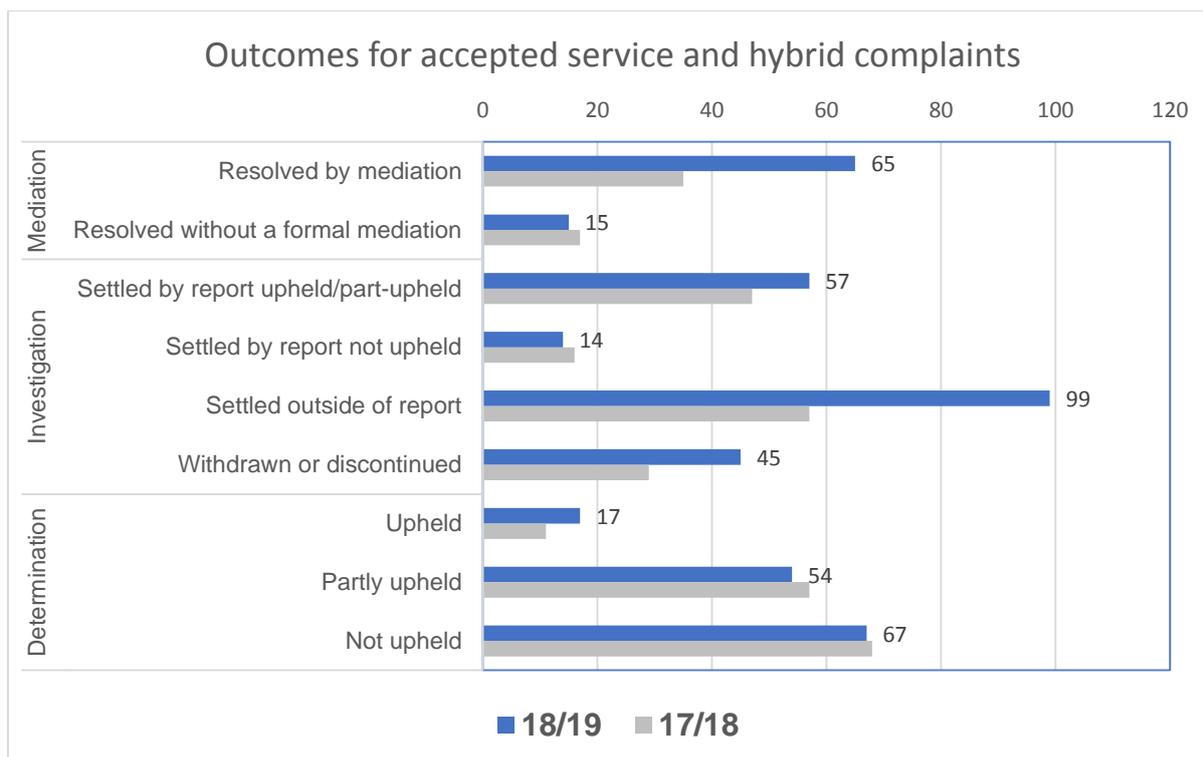
	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Resolved	336 (+141)	195
Withdrawn	69 (+21) [this includes 42 of the linked complaints]	48
Discontinued	38 (+1)	37

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 at mediation

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.

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Resolved by mediation	65 (+30)	35
Resolved without a formal mediation	15 (-2)	17

Mediation uptake and success

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Agreed to mediation when offered	39% (-1 percentage points)	40%
Mediation was successful	71% (+7 percentage points)	64%

Outcomes at investigation

If a service complaint isn't resolved at mediation, or isn't suitable for mediation, it will be passed to an investigator. The investigator will gather evidence from the complainer and the lawyer or firm. Next, an investigation report is written, which looks in depth at the complaint and recommends whether or not it should be upheld as inadequate professional service. If both parties agree to the report, and any sanctions if it has recommended, the complaint is closed.

In some cases, the investigator may be able to negotiate between the two parties and agree a settlement before or after the report is written.

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Settled by report upheld/part-upheld	57 (+10)	47
Settled by report not upheld	14 (-2)	16
Settled outside of report	99 (+42)	57
Withdrawn or discontinued	45 (+16)	29

Outcomes at determination

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 [board members](#), which looks at the complaint and makes a binding decision on whether it should be upheld as inadequate professional service.

	This year - 18/19 (change from 17/18)	<i>Last year - 17/18</i>
Upheld	17 (+6)	11
Partly upheld	54 (-3)	57
Not upheld	67 (-1)	68

Court of Session appeals

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	3	1*	4
Received	18	2	20
Won	7	1	8
Lost			
Conceded	3	1	4
Withdrawn	3		3
In progress at the end of the year	8	1	9

*This was incorrectly reported as 2 in progress appeals at year end in the 2017-18 annual report.

Handling complaints

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	1	0	1
New	12 <i>(5 from one complainer)</i>	1	13 <i>(including 1 from a solicitor who was the subject of a conduct complaint)</i>

	Law Society of Scotland	Faculty of Advocates	Total
Rejected – with reason	1 <i>(‘midway’ complaint still awaiting a conduct decision)</i>	1 <i>(outside time limits)</i>	2
Accepted for investigation	11	0	11
Closed on report	3	0	3
In progress at the end of the year	8 <i>(5 from one complainer)</i>	0	8

The handling complaints in progress number at year end is relative higher compared to year start, in part due to the 5 linked cases.

SLSO 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.

In progress at the start of the year	0
New	0
Closed	0
In progress at the end of the year	0

Service delivery complaints

We received 27 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	4	1
Partly upheld	6	0
Not upheld	22	9
Resolved	1	0

Freedom of Information

We are a public authority under the *Freedom of Information (Scotland) Act*. We received 27 requests for information during our year.

Requests and responses

Requests received in year	27
Requests responded to on time in year	27

Requests dealt with in year:

Withdrawn by requester	1
Disclosed all information	9
No information disclosed	6
Disclosed some information	5
We didn't hold the information	3
Refused to confirm or deny whether the information was held	4
Refused as the cost in preparing the information would be too high	2

Exemptions used in year:

The information was otherwise accessible	3
Disclosure prohibited under another enactment (e.g. section 43 of our legislation)	6
Substantial prejudice to effective conduct of public affairs	3
Personal data of the applicant	
Third party personal data	4
Confidentiality of communications	3
Breach of confidence	1

Data protection

Subject Access Requests	63
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Closing Comments



At the start of this report I noted recent improvements, but of course that is an ongoing journey.

In January of 2020 we will consult on a new strategy to cover a period of uncertainty both at the nation level (with the Brexit debate, and possible impacts in Scotland, as well as elections) and also in our sector, due to the ongoing debate on reform. Our early thinking is around a greater move to 'prevention' and greater use of our wider regulatory powers – the ongoing increases in complaints threaten the sustainability of the organisation. We must look at every option and see the opportunity to focus more on being a body delivering improvement in the sector and not just after the event redress. Advocates, employed and in-house solicitors have effectively been subsidising complaints in private practice and for business owners. As we modernise the approach to regulation and complaints a continued focus on business 'entities' feels more appropriate. We look forward to a debate on all these matters.

Our internal change programme, which delivered such significant results, will continue. This year our planned testing of new approaches includes a greater balance between those focussed on efficiency and tests to improve customer service and quality, as we continue to ensure we strike the correct balance in our approach.

Since December 2017 we have been working collaboratively with the Law Society of Scotland and the Faculty of Advocates on changes to the existing complaints process which might be possible through

subordinate legislation. This has been a positive project, but even if changes are approved these will not have operational impact until at least 2021, and remain 'sticking plasters' to wider problems in the current model. The length of time a project even to look at 'quick fixes' takes shows the need for future legislation to be at more of a framework level, to allow greater ability to adapt to change.

Since July 2015 we have been calling for fundamental changes. We were very disappointed that the professional bodies have rejected the core recommendations of the independent review commissioned by Scottish Government. This is delaying much needed reform. Our commitment remains to work to improve the system for the sector and the public. We welcomed the proposals and hope a credible consensus emerges on change as we work with both consumers groups and the profession.

Meanwhile, we still await the introduction of the reforms passed into law under the Legal Services (Scotland) Act 2010. England now has more 'alternative' business structures than Scotland has law firms. As the Act's 10 year anniversary approaches we think the challenges of that legislation again highlight the need for a bolder way forward.

We will continue to pursue all these channels, from our internal work to wider reform, to improve the system further for the public and profession.

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