

Update on the Law Society of Scotland's compliance with SLCC recommendations

Introduction

The Scottish Legal Complaints Commission's (**SLCC**) oversight function forms a core part of the regulatory system for legal services in Scotland. We provide independent oversight of the complaints and redress system of the Law Society of Scotland (**LSS**).

Our aim is to ensure the LSS runs a well functioning conduct complaint handling process. By analysing trends in complaint handling we aim to drive improvement and ultimately to promote public confidence in the regulation of legal services.

Under Section 36 of the 2007 Act, if we identify trends in conduct complaint handling, we can give guidance to the LSS on the timescales within which it should complete its conduct complaint investigations. We can also make recommendations about its procedures for, and methods of dealing with conduct complaints.

Conduct complaint investigation timescales

Between 2020 and 2022 we identified that LSS conduct investigations were routinely taking longer than its published target timescale of about 12 months. To understand if the trends identified in handling investigations were representative of conduct complaint investigations overall, we analysed 792 conduct complaints.

Based on our analysis of the data, we concluded that the trend we had seen across handling complaints was broadly reflective of the timescale of conduct investigations overall. This is of concern due to the multiple risks associated with delay in the investigation of conduct complaints. For example;

- public protection issues associated with solicitors continuing to practice whilst under investigation
- complainers conclude their complaint is not being taken seriously, which may impact public confidence in the complaints process
- a negative impact on the effectiveness of administration and decision making
- a negative impact on the confidence of the legal profession that disciplinary matters are dealt with effectively and swiftly.

The LSS recognised the impact delays can have on the parties involved and confirmed its commitment to reduce the time taken to report on complaints.

In March 2023, we published our [final report](#) and made three statutory recommendations to mitigate the risks associated with delay in the investigation of conduct complaints. In June 2023, we published an [update report](#) on the LSS's response to our recommendations. In April 2024 we published an [annual update report](#) welcoming improvements in the LSS's conduct complaint handling timescales.

LSS update on compliance with recommendations

Recommendation 1: Set a realistic and achievable target timescale for the completion of conduct investigations as a key performance indicator (KPI)

In its operational year 2023 -24 (1 November 2023 to 31 October 2024) the LSS reviewed its existing Key Strategic Measure to "Reduce the conduct complaint resolution time", which measures the median age of all conduct complaint cases open at the end of a quarter. The LSS reduced its target from under 380 days to under 350 days.

In its current operational year, the LSS have further reduced the median complaint resolution time to under 295 days. The LSS have confirmed the reported median age of complaints in quarter one was 281 days.

The SLCC consider that a 55 day reduction from last year's target represents good progress and reflects the LSS's commitment to continuously improve conduct complaint investigation timescales.

Recommendation 2: Improve the transparency of communications with both complainers and solicitors on the timescales for the completion of investigations and on the progress of investigations

We welcome the improvements the LSS have made to communications about timescales and the progress of investigations, as set out in our [April 2024 annual update](#). The LSS continue to monitor compliance with this recommendation, with the aim of continuously improving its communications.

Recommendation 3: Create a plan of action to achieve the new key performance indicator detailing how and when the improvements outlined in the LSS's response to our reports will be achieved

The LSS have provided the following update on its improvement action plan.

Increased resources and department structure

In operational year 2023-24 the Regulatory Directorate recruited an additional 3.2 full-time equivalent Reporters. This was a mixture of permanent and fixed-term

contracts. In the current operational year budget for an additional permanent full-time equivalent Investigation Manager and Reporter has been secured.

Further improvements to the recommendation process

The LSS are currently monitoring and reviewing its new approach to reviewing reporter's recommendations. The SLCC welcomes this more targeted and proportionate approach as a means to achieving improvement in investigation timescales within the constraints of the current complaints process.

Health issues in conduct complaints

Under the current legislation the LSS are unable to discontinue investigations. This can present an issue in complaints against solicitors with serious ill-health, when the public interest is not served by continuing disciplinary proceedings. The LSS are currently working to secure an enabling power to discontinue cases as part of the Regulation of Legal Services (Scotland) Bill to assist in dealing with health issues in conduct complaints.

Next steps

The SLCC welcomes the work done by the LSS to date to improve its investigation timescales. This provides assurance that the LSS remain committed to improving its investigation timescales and how it handles conduct complaints. This will benefit both the public who make complaints and solicitors complained about and ensure the risks associated with delay are minimised.

We will continue to monitor the progress of the LSS against the statutory recommendations at our quarterly meetings and when undertaking handling complaint investigations.

To engage and continue to support LSS we will in November 2025 seek a formal written update on progress as part of an annual cycle of assurance. In March 2026, we would plan to publish an update report on the progress LSS has made.