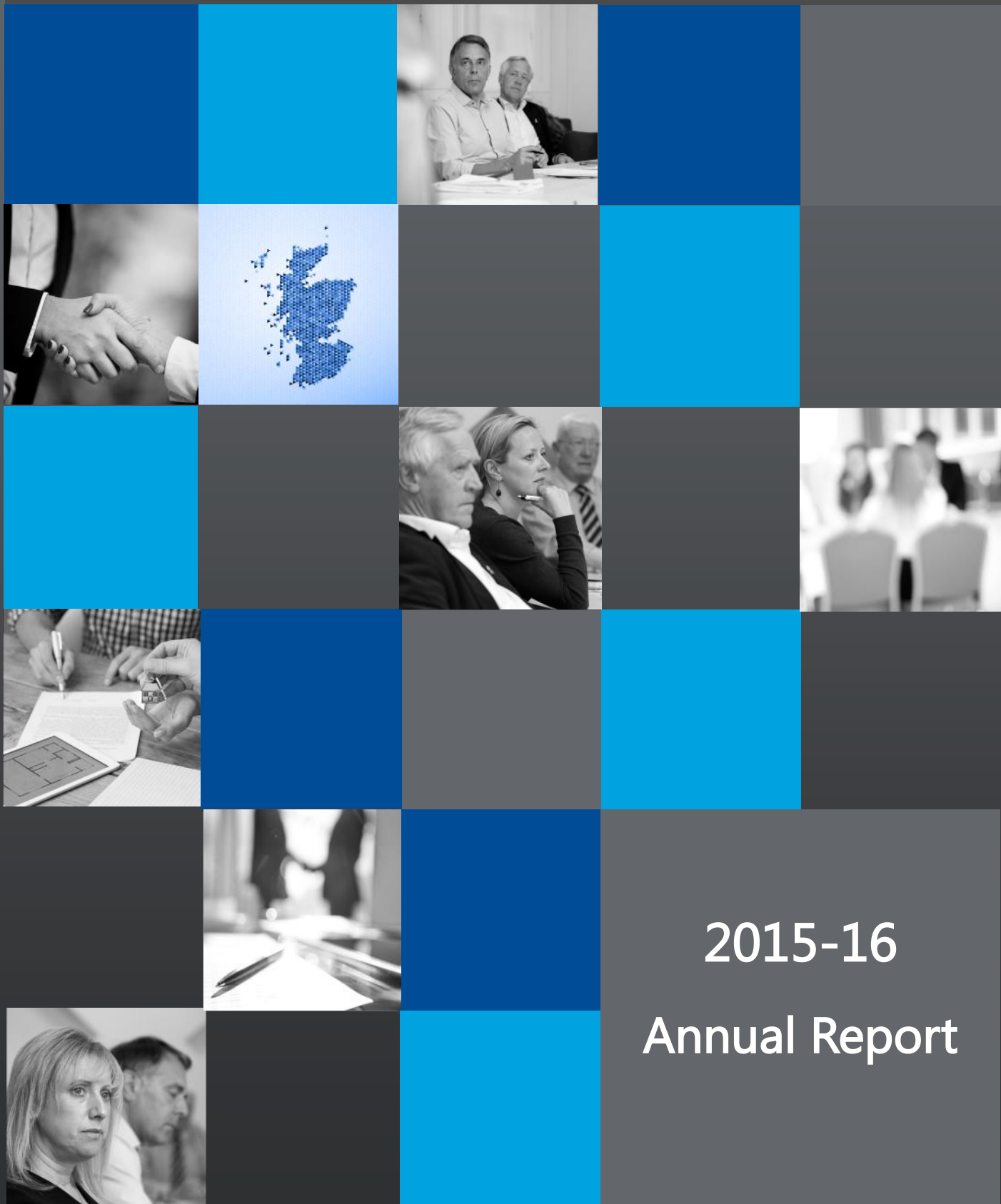


scottish legal
complaints commission **slcc**



2015-16
Annual Report

The Scottish Legal Complaints
Commission's Annual Report
1 July 2015 - 30 June 2016:
SG/2016/206

*Laid before the Scottish Parliament
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Legal Profession and Legal Aid
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November 2016

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Chairman's Statement

In a year characterised both by building on experience and on new thinking, the Board focused on three key areas.



Bill Brackenridge

Chairman 2013- present

This year our Board focused on three essential areas: our operational performance, the creation of a new strategy for the next four years, and developing ambitious proposals for changes to the way legal services are regulated which could have an impact over the next decade and beyond.

The context was a year of significant change in our leadership team.

Three longstanding board members came to the end of their terms, making

us determined to capture that knowledge and insight before they departed.

Three new members joined us, bringing fresh ideas and new drive. We also were joined by a new Chief Executive, with Neil Stevenson bringing new energy to the organisation, and also years of experience of the legal sector.

At the heart of our work is an impartial, fair and efficient complaints process. We have worked on 'predictive modelling' to help us manage case flows, we have undertaken a detailed review of the 'eligibility' stage of our process to look for and

“At the heart of our work is an impartial, fair and efficient complaints process.”



implement efficiency and quality improvements, and we have made progress in reducing the average start to finish time taken to complete cases.

As well as ensuring operational performance, a Board's role is to plan for the future. A personal highlight of the year was approving a new four year strategy after detailed analysis of trends, extensive consultation with stakeholders, and careful examination of leading thinking on complaints handling. It was the first time our new statutory independent Consumer Panel assisted in the development of plans, and we also increased engagement

Our work is an impartial, complaints process."

from the legal sector. Among other priorities, we want to build trust in the sector by ensuring consumers know we are here to help; we want to deliver early resolution and redress which is faster, more cost effective, and usually

results in both parties being happier; and we want to drive improvement in the sector. This last goal is at two levels: the first is by seeking ways to tackle the common causes of complaint to reduce the need for our services; the second is at a strategic level.

With that second element in mind, we developed a bold paper on the future of legal regulation (#ReimagineRegulation) to tie in with a Scottish Government manifesto commitment to take forward a consultation to review the regulation of the legal profession in Scotland and to support a modern and effective legal sector, including new forms of business model. Drawing on all our experience, and on the new and innovative thinking that has been emerging, I hope to be reporting next year that our paper has influenced the emerging debate on the future of complaints handling and the regulation of legal services in Scotland for the next decade.

As Chair, I would like to thank our Board and staff for stepping up to the challenge of delivering immediate improvements and long term solutions.

Chief Executive's Report

Understanding how our service is experienced by those who use it will help us perform better, and reaching out to the communities we serve will help us ensure we deliver value.



Neil Stevenson
SLCC Chief Executive

This year is my first year as Chief Executive of the organisation, and I would like particularly to express my gratitude to an engaged and committed staff and management team. Some of the smaller successes I am proud of relate to my core role in leading our people: we became a Living Wage organisation and a 50:50 by 2020 partner; we have published equal pay data in our annual accounts demonstrating our commitment to fairness, and we finished the year with highly positive feedback from our staff survey.

***“A focus on people
aspect of our work”***

We note that many of these also contribute to the National Performance Framework, recognising that although our decisions are independent of government we can still contribute to the Scottish Government's aspirations for Scotland. Starting this way could look inward facing, but 69% of our costs each year relate to people, and it is almost exclusively through our people that we deliver our role. In a year of performance targets, increasing incoming case volumes (up 12% on last year), pilots on new ways of working, and external commentary on our role, I am hugely grateful for their ongoing work and support.

A focus on people has influenced every aspect of our work this year. As part of both the strategy and the



legislative change work we have used the concept of the *Customer Journey*, mapping our work from the perspective of both the consumers and the lawyers who use our service. This has helped us identify immediate changes, and also challenged our thinking about the 'ideal' model, and how we might move closer towards it through our own work and through promoting debate on the current regulatory environment for legal services.

The new strategic direction emerging from the Board over the course of the year also had more immediate impacts. One of these would be reaching out more than ever before to the communities we serve.

***le has influenced every
x this year. ”***

Our independent Consumer Panel has helped us increase our engagement with consumers - influencing our strategy and

legislative change work, encouraging a focus on our user demographics, and helping us directly reach members of the public who might not otherwise know we could help (like the 10% of our public service users referred by Citizens Advice Bureaux).

We have also engaged more with the legal sector. A quarterly newsletter for client relations managers in firms was launched, more development sessions for lawyers were held in partnership with a range of organisations, our consultation on strategy was promoted directly to lawyers, and we have been much more visible in the legal press. We have also started publishing, for the first time, anonymised case studies of all our formal determinations with the twin aims of sharing common causes of complaint with the hope they can be tackled at source, and perhaps helping lawyers recognise earlier in our process where a complaint may be upheld and to consider consensual resolution.

Reaching out, and thinking about how people experience our services, helps us to communicate our role better and to encourage more, and more diverse, feedback which can help us improve our work.

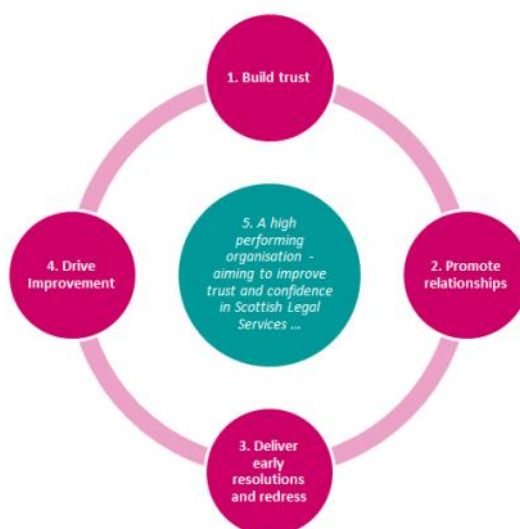
The SLCC's Role

In our strategy consultation, we were told that there wasn't enough focus on our "core statutory role". We responded in our final strategy - but it reminded us that we have several roles, some of which aren't widely known.

Our main statutory functions as an organisation are to:

- Provide a gateway for all complaints about lawyers in Scotland.
- Manage directly complaints that relate to the service provided by lawyers - providing redress where appropriate.
- Refer complaints about the personal conduct of lawyers to the 'relevant professional organisation' (i.e. the Law Society of Scotland, the Faculty of Advocates, the Association of Commercial Attorneys).
- Manage complaints about how the 'relevant professional organisations' have dealt with those conduct issues.
- Give advice on complaints to all parties.
- Issue guidance and encourage best practice.
- Monitor practice and publish trend reports - to help ensure the sector learns from complaints made.
- Monitor the effectiveness of the various indemnity arrangements in the sector.

Supporting, and being guided by, our independent Consumer Panel in the year ahead, we will also be working to improve knowledge amongst the public and the profession of our various roles.



Visit our website for more information on our 2016-2020 Strategy

Our Board

We believe that our work is supported by our diverse Board. This includes geographical diversity, in addition to a commitment to a Board that represents the variety in Scotland's population.

In the past year, we became a partner in the 50:50 by 2020 campaign and recruited three new board members and, in doing so, met the 50:50 Board composition target.

Our board members have a unique role - they oversee the organisation but also determine individual complaints at two stages in our process, either sitting individually or in groups of three, chaired by one of the legal members.

The majority of our board members are non-lawyers, with a minority of lawyer members.

This year Fiona Smith, Iain McGrory and Maurice O'Carroll completed their terms as board members. We would like to thank them for their assistance in developing the SLCC over the years.

The exercise to appoint replacements drew over ninety applicants.

After a rigorous selection process, the Minister for Consumer Safety and Legal Affairs appointed Amanda Pringle, Emma Hutton and Michelle Hynd as our new Board Members.



Our 9 current Board Members; left to right: - George Clark, Ian Gibson, Michelle Hynd, Emma Hutton, Bill Brackenridge (Chair), Kevin Dunion, Amanda Pringle; not pictured - Samantha Jones and Ian Leitch.

The SLCC in Numbers

1,132

New complaints received

£324,400

Redress awarded or agreed¹

77%

Eligible complaints resolved or upheld

274

Service complaints completed

5.6%

Complaints where the complainer heard about us from the lawyer or firm²

55%

Accepted service complaints resolved³ without formal determination⁴

326

Subscribers to our e-newsletter for client relations managers

75%

Mediation success rate

1. For complainers at all stages, including compensation, rebates and refunds.
2. % of referral sources for complaints where the complainer said they'd heard about us from the lawyer or firm they were complaining about.
3. A complaint is resolved when it is concluded with the agreement of the complainer and the lawyer or firm involved.
4. A complaint is determined when a determination committee decide whether to uphold, part uphold or not uphold the complaint.

Resolving complaints

We continue to focus on getting a swift resolution for those who complain to us by finding ways to bring parties who have fallen out to an agreement.

Behind many of the complaints we receive, there has been a disagreement between a consumer and a lawyer. This can be an emotional matter for both parties, but when the work being undertaken relates to a major life event - such as a house purchase, a divorce or the death of a loved one - it can be even harder. People go to a lawyer because they are highly trained, knowledgeable experts. However, that also means people can feel powerless if they have a complaint.

This is where we can make a difference. For many years now, we've been able to provide resolution in such disputes and our complaint statistics demonstrate this. In our last reporting year, 63% of all complaints made to us were resolved without the need for a formal determination (this includes 55% of accepted service complaints).

This year we reiterated our focus on resolution by making "Delivering early resolution and redress" one of our strategic priorities.

How is this built into our process?

- Some complaints are resolved when we direct the complainer back to make a complaint to the firm or lawyer. We provide [guides and template letters](#) to help this.
- At Eligibility stage we can resolve some complaints, although not all complaints are suitable for this (potential conduct matters for example).
- As well as formal Mediation (see [page 13](#)), we also resolve some complaints informally before the Investigation phase.
- Our investigators look for opportunities to resolve disputes and agree conciliated settlements with both parties. Also, at the end of the investigation, there is an opportunity for both parties to agree with the findings of the investigation report and any settlement proposed.

Redress

While resolution of complaints is a key part of our process, it's also important that we can ensure that redress that has been agreed or ordered is made.

We believe resolution is the best way to provide redress when something has gone wrong. If both parties are involved in agreeing a settlement, it allows them to move on swiftly and carry on with their lives.

In some situations, though, this isn't possible. Maybe they've tried but failed to find an agreement. In some cases, the lawyer refuses to engage with our process or agrees a settlement but fails to do what they've promised. This is something we take very seriously.

Whatever the reason, if a settlement hasn't been agreed by the end of the Investigation stage, the complaint will be sent before a committee of our Board members for a final decision.

Our committees will always have a majority of non-lawyer members, but with a lawyer member chairing. They look at all the available information and then make a binding decision on whether the complainer has suffered as a result of inadequate professional service or not. If they have, they can order fee refunds or reductions, compensation for actual loss or inconvenience and distress, or a range of other types of redress. They can also order the firm responsible to pay a levy to us.

If a lawyer or firm hasn't paid the redress they've agreed to pay or been ordered to pay, we will pursue them for it. Thankfully, this only happens very occasionally. In an even smaller number of cases, we find that we aren't able to get redress due to legal loopholes. We have raised this as part of our work on legislative change. This includes solicitors who have raised the level of excess on their professional indemnity insurance (the Master Policy) to lower their premiums. This sometimes leads to the excess being above the level of compensation we've awarded.



Mediation

Our mediation service is independent of the other ways we resolve complaints. It is a unique feature of the SLCC as an organisation and, with a 75% success rate, one which continues to deliver results.

Although many in the legal profession are aware of mediation, for consumers coming to the SLCC it may be one of the first times they've encountered it.

What is mediation?

When a mediation meeting has been organised, a trained and independent mediator will listen to what both parties have to say and then try to find agreement between them. If they find agreement, a settlement can be drawn up and agreed, outlining what the parties will do.

In addition to facilitating over fifty mediation meetings, this year we also commissioned academic research on the reasons why parties to a complaint sometimes decline mediation. We are now using these findings to better promote mediation and increase uptake.

What's new in mediation?

Explaining our mediation service is a core part of what we do, but just describing it doesn't give the full flavour of how it works and what it can achieve.

"I wish to take this opportunity to thank you [the mediator] and the Scottish Legal Complaints team for your handling of these issues. Furthermore, I would have no hesitation in singing your praises about the invaluable work you do and in the professional manner you have conducted negotiations with all parties."

- A complainer whose complaint was successfully mediated.

Our mediators meet up twice a year to share best practice and innovations that have worked. Many of these innovations have been changes to accommodate the parties and allow the mediation meeting to happen. This year these included mediation outside office hours, a mediation by Skype, a mediation purely by telephone and a mediation in prison.

They are able to utilise their skills to facilitate discussions between parties. One example of a positive outcome earlier this year was when a 4.5 hour mediation settled a long running dispute about a will between the complainer and two ceased firms, where neither firms' partners accepted liability.

Consumer Panel Chair's Report

Under our statutory Consumer Panel's Terms of Reference, it must provide an annual update on its work.



Carol Brennan
Chair,
SLCC Consumer Panel

As the representative of the Consumer Dispute Resolution Centre at Queen Margaret University, it was a great privilege to be appointed as Chair of the Consumer Panel in November 2015. I took on this role from Lauren Bruce and, on behalf of the Panel, I would like to thank her for her excellent work in laying a sound foundation for the Panel's activities during its first year. The Panel's role is to assist the SLCC in understanding and taking account of the interests of consumers of legal services.

We have discussed areas of research

including the demographics of complainants using the service, consumer principles and the user journey through making a complaint. Following the Panel's detailed consideration of the users of the SLCC, we have produced our first publication Demographics Yearbook 2015 - 2016 which can be accessed on the Consumer Panel page on the SLCC website. We will continue to track these statistics in the years ahead. The Panel noted a substantial difference between the proportion of declared female complainants (41%) and declared male complainants (58 %) and this will be discussed with women's organisations during the

***“It is encouraging
the Consumer Panel***



coming months to obtain a better understanding of this issue and consider how to enable more female consumers to complain in future.

The Panel responded to a number of consultations including the SLCC Strategy and Operational Plan; the Law Society of Scotland's Regulation in the 21st Century: Guarantee Fund; the Law Society of Scotland's Regulation in the 21st Century: Entity Regulation; the Licensed providers regulatory regime; and SLCC changes to Rules.

*g to see the impact of
el during the last year."*

Externally, I have visited the Legal Services Consumer Panel in England and Wales to discuss shared interests and explore opportunities for joint working. Internally, I provided presentations to the staff and the Board.

It is encouraging to see the impact of the Consumer Panel during the last year. The Panel is ensuring that the consumer voice is heard in policy making and increasingly we are providing advice at an early stage. The Panel is helping to foster a more consumer-focussed culture but we appreciate that in the complex area of legal complaints this will continue to be challenging. We have drawn from academic and practitioner/professional research to inform our input to consultations, policies and procedures. Our participation in seminars, workshops and other events has enabled members of the Panel to connect effectively with legal services and complaint/dispute resolution stakeholders.

Through these activities we have been able to more closely analyse the complainant experience and recommend improvements to develop services to meet consumer needs. I thank the members of the Panel for their excellent contribution and for their support in representing the consumer voice in relation to complaints about legal services in Scotland.

Oversight of Complaint Handling

When a complaint involves the professional conduct of a lawyer, we must refer it to one of the relevant professional organisations to investigate.

Complaints about solicitors' conduct are sent to the Law Society of Scotland while the Faculty of Advocates investigates advocates' conduct. The Association of Commercial Attorneys is also a named professional organisation, for any conduct matters involving Commercial Attorneys.

Our involvement doesn't end there; if the complainer or the lawyer is dissatisfied with the way the conduct complaint has been handled by the professional organisation, they can complain to us. We call these complaints 'handling complaints'.

From our work in 'handling complaints' and from monitoring trends in how conduct complaints are dealt with, we can spot where particular systemic issues in the conduct investigation processes are occurring. We use this intelligence to make recommendations and give guidance on improving methods and systems for dealing with conduct complaints.

We also meet regularly with the professional organisations to discuss our recommendations and any current issues which impact how both they and the SLCC deal with complaints. In the last year, the Law Society of Scotland responded to our trends analysis report on

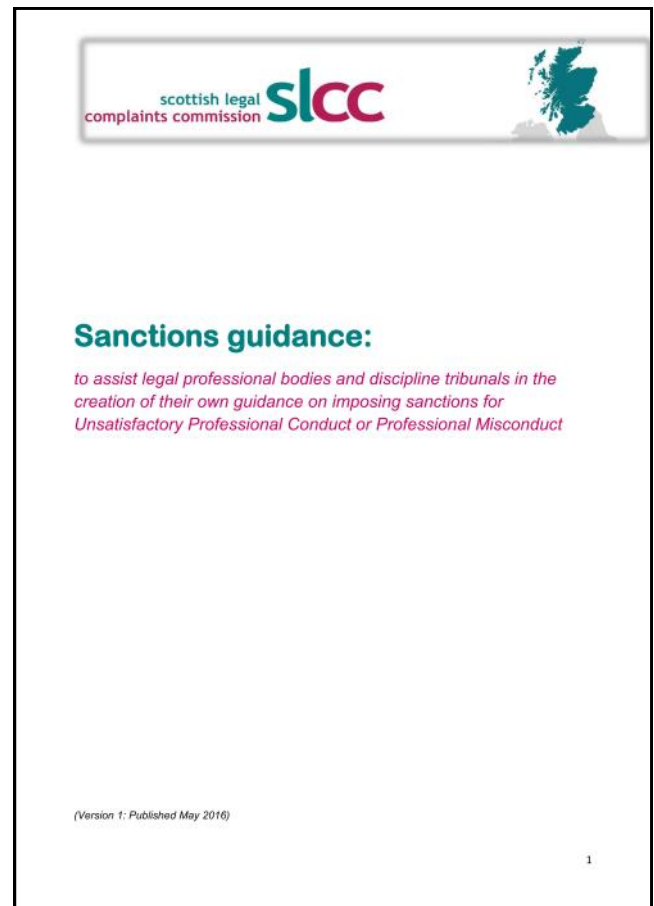
[“Conduct complaints about Scottish Solicitors”](#), which included various recommendations, including the reduction in overall timescales for hybrid investigations, fast-tracking serious conduct complaints, creating and publishing a tariff/guidance for conduct sanctions and the publication of complaints involving Unsatisfactory Professional Conduct.

We also started an audit of the Faculty of Advocates' complaints investigation and disciplinary processes, with the aim of setting a benchmark for future audits, and to ensure that we are as up to date as we should be about how complaints about advocates are being dealt with. This [audit](#) concluded in September of this year (2016).

The work of the Oversight team also involves sharing information about complaints with the relevant professional organisations and other specified stakeholders, such as the Scottish Legal Aid Board.

Unfortunately there are statutory limitations on the amount and type of information that we can share (and with whom), which is one of the issues we've raised in our [#ReimagineRegulation](#) legislative change paper. We feel that greater protection might be afforded to legal service users if some restrictions are lifted, and there is greater transparency in this area.

Building on some of the lessons learned internally from our own work on consistent decision-making and how we apply sanctions in service complaints, we produced a [guide](#) on the application of sanctions for the professional bodies and tribunals. We were grateful to the professional regulation professionals who attended the round table which proved invaluable in finalising the guidance.



Learning from Complaints

One of the focusses of our strategy for the next 4 years is to develop a culture of learning as an organisation. This builds on what we've done in the past year to make use of our knowledge from over 8,000 complaints.

Our final decisions can be appealed to the Court of Session. We pay close attention to decisions taken in the Court of Session as this offers valuable learning for us as an organisation.

We now comment on all court rulings on appeals against our decisions as a matter of course - whether or not the outcome is in our favour. This allows us to highlight the key lessons for us in the appeal and very often lessons the legal profession can learn too.

Elsewhere, we have started publishing [case studies](#) of our committees' decisions (anonymised to meet legal requirements). These are available on our website and we also draw out the key lessons from them in our [newsletter](#) to client relations managers, which we launched in the past year.

We've done a lot of work in the past year to support our own consistent decision making. This included a review and consolidation of all our processes and policies.

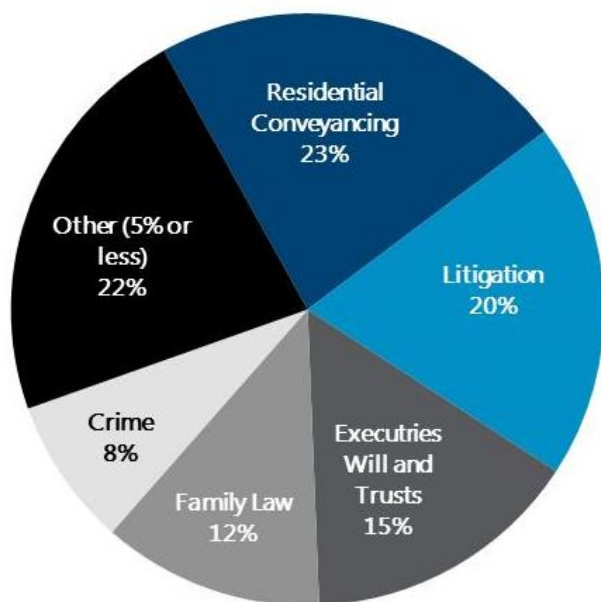
We hope to make this publicly available through our website in the year to come. We have also introduced a bi-monthly training and development programme for our board members, including training on 'unconscious bias'.

This year we undertook a project to make sure that we are doing the most we can to take advantage of the database of knowledge that we've built up from the thousands of complaints we've dealt with over the years. This included extracting and reviewing a database of decisions on complaints about conveyancing - our highest areas of complaints- to assist our Board members in carrying out their duties.

We also drew on past complaints about wills, executries and criminal law to produce [guides](#) for consumers to help them avoid the pitfalls that lead to complaints.

What areas of law attracted legal complaints in 2015-16?

% of complaints made to SLCC by business area



Every year we report on what the breakdown of complaints to us is between different areas of legal work.

As in previous years, complaints about buying and selling homes dominate. The next area is litigation, covering a wide range of issues.

Third and fourth are executries, wills and trusts and family law.

Complaints about criminal law matters make up the fifth—however, relatively fewer of these are accepted as eligible complaints.

These business areas also form the basis of the guides for consumers already mentioned.

Percentage of complaints made to the SLCC by

% complaints accepted for service investigation by the SLCC by area between 01/07/2015 and 30/06/2016.

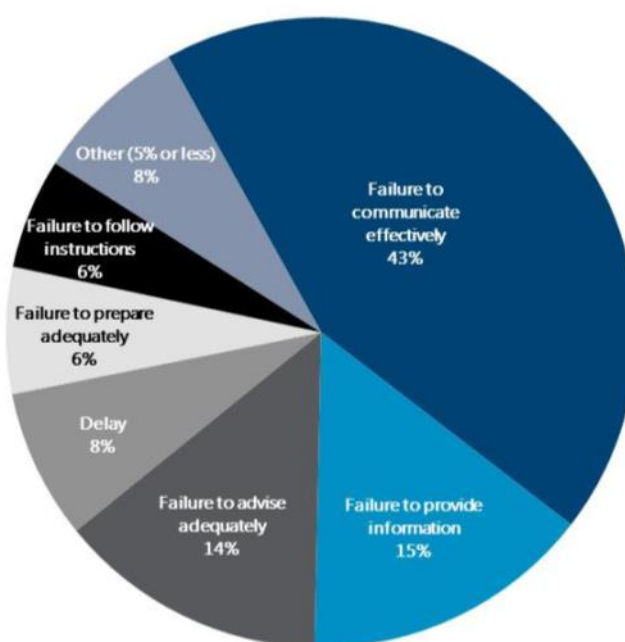
What were the subjects of complaints made in 2015-16?

We also monitor the subjects of complaints made to us.

As in previous years, complaints about failures in communication dominated, followed by complaints about failures to provide information and give adequate advice.

This was followed by complaints about delay, failing to prepare and failing to follow instructions.

% subjects of accepted service complaints



% complaints accepted for service investigation by the SLCC by subject area between 01/07/2015 and 30/06/2016.

Outreach

As part of our statutory role, we continue to undertake outreach work to promote best practice in complaint handling across all sections of the legal profession.

This year, we undertook training with individual firms, at their invitation. This allows for a much more personalised learning experience. This was in addition to talks and workshops by our Oversight team to audiences at events including the Law Society of Scotland's regulatory roadshows, the Digby Brown CPIN conference, the HM Connect conference and events organised by local faculties of solicitors across Scotland.

This has been bolstered by an e-newsletter for client relations managers, [CRM News](#). Despite only launching in December 2015, it now has well over 300 subscribers.

We also continued our work with the Faculty of Advocates. While the number of complaints we receive about advocates is small, we only dismiss one in ten as "frivolous, vexatious or totally without merit" (similar to the percentage of equivalent complaints about solicitors). Complaints about advocates are disproportionately likely to be premature in coming to us too (i.e. they haven't been raised with the advocate first), so it's vital that we help advocates understand what their duties regarding complaints are.



Outside of our outreach work with the legal profession, our organisation gained the attention of parliamentarians from the UK and elsewhere. We issued our first [newsletter for MSPs](#) and our Head of Oversight joined the Scottish Parliament's Cross Party Group on Consumer Affairs and gave evidence in person to the Northern Ireland Assembly on its forthcoming legal services complaints bill.

We also welcomed representatives from the regional parliaments of Baden-Württemberg and North Rhine-Westphalia in Germany and were able to explain how the Scottish system of complaints about lawyers works.

Our People

From our office in the centre of Edinburgh, our team of staff deals with enquiries and complaints from all over Scotland and elsewhere.

More information on the types of roles our staff carry out is available on our website.

Our staff is led by an experienced Senior Management Team. Full details on our Senior Management Team are also available on our website.

In the past year, we became Living Wage accredited. We also carried out an equal pay audit in May 2016. We found that all staff, irrespective of gender, were being paid according to our current pay and grading structure, were treated equally, and were progressing through our current pay and grading structure based on performance and length of service. We also found that women outnumber



Photo courtesy of The Yard

men in all our lower grades (1-4); in our 'manager' grades (5-7) there are equal numbers (6 men and 6 women) and in our Senior Management Team, there were 4 men and 2 women.

Every year, a staff charity is chosen by a staff vote. For the 2015/16 year the charity chosen was [The Yard](#), who run adventure play centres for disabled children and their families. We held a wide range of fundraising activities, including some of our staff taking part in the Edinburgh Marathon Festival. We managed to break our fundraising record for previous years and raised £4,353.37.

Our staff charity for the 2016/17 year is [The Beatson Cancer Charity](#).

We also looked after staff wellbeing by taking part in Health and Safety week.



Complaints Statistics

Each year there are tens of thousands of legal transactions and only a very small number lead to complaints. However, our role is to ensure there's an independent and fair way so that those that do arise are addressed.

In this section we report on key statistics about the complaints we received during the year. This includes information about complaints made to us and how many were eligible or ineligible, as well as statistics about the outcomes for complaints within our process.

All statistics are for the 2015/16 year, i.e. 1st July 2015 to 30th June 2016, with the previous years figures to compare.

Enquiries

Many complaints to us start with an enquiry. Sometimes the information we provide at this stage is enough to help someone resolve their complaint with their lawyer directly.

	2015/16	2014/15
New enquiries received	2,292	2,771

Complaints

This year we received 12% more complaints than we did in the previous year.

	2015/16	2014/15
Complaints opened/brought forward		
Complaints in hand at the start of the year	473	487
Complaints received	1,132	1,009
Previously premature complaints reopened	15	9
Complaints reassessed as eligible on appeal	1	0
Complaints in hand at the end of the year	664	473

	2015/16	2014/15
Eligible complaints		
Accepted as an eligible service complaint	138	237
Accepted as an eligible conduct complaint	72	79
Accepted as an eligible hybrid complaint (hybrid includes both conduct and service complaint)	198	98

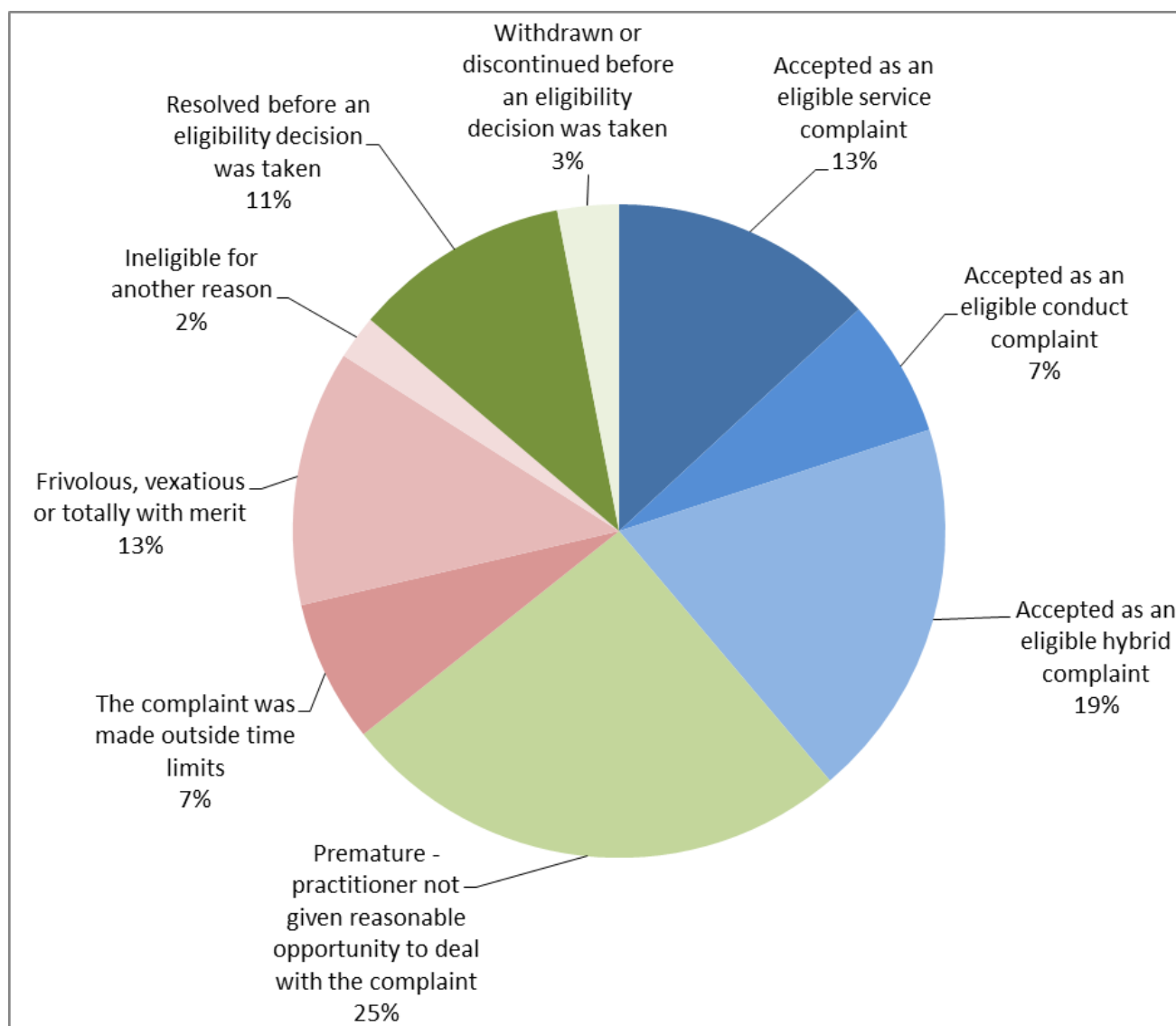
While the pattern of the categories of eligible complaints in the past year has changed, the total number of accepted complaints remained at the same level.

	2015/16	2014/15
Ineligible complaints		
Premature - practitioner not given reasonable opportunity to deal with the complaint	268	90
The complaint was made outside our time limits	74	132
“Frivolous, vexatious or totally without merit”	133	209
Ineligible for another reason	23	7

The number of complaints rejected as outside our time limits or “Frivolous, vexatious or totally without merit” fell. There were also 71 premature complaints of the 268 that were closed and later re-opened as not premature within the year (as opposed to the 15 that reopened in this year having been closed last year.)

	2015/16	2014/15
Other complaints received		
Resolved before an eligibility decision was taken	113	130
Complaint withdrawn before an eligibility decision was taken	32	60

There are a number of complaints every year that we close before we make a decision on the eligibility of the complaint. The majority of these are resolved between the complainer and the lawyer or firm, and do not raise issues that would require us to take on the complaint in the public interest. There were also 43 complaints that were discontinued due to a lack of response from the complainer during the eligibility stage.



The chart above summarises the different eligibility outcomes for complaints made to us.

	2015/16	2014/15
Complaints dealt with		
Eligible service complaints dealt with and closed by SLCC	274	300

In the next section of our statistics, we will look at the outcome of complaints about service (including service investigations for hybrid complaints) at different stages in our process.

Mediation

	2015/16	2014/15
Resolved at mediation	44	56

Slightly fewer complaints were resolved at the mediation stage. However, the success rate for mediation was still 75%.

Investigation

	2015/16	2014/15
Resolved at investigation by report	65	60
Resolved at investigation by conciliation	45	21
Withdrawn at investigation	18	31

In line with our focus on resolving complaints before a formal decision, the number of complaints resolved by our investigators working with both parties (rather than through a formal report recommendation) increased.

Determination

	2015/16	2014/15
Complaints wholly/partly upheld at determination	58	109
Complaints not upheld at determination	44	23
Total number of cases determined	102	132

This also meant that the number of complaints determined at the final stage of our process decreased. Overall, a majority of complaints (56%) are now resolved before this stage.

Service User satisfaction

The feedback we receive at the end of a complaint is invaluable. Feedback from lawyers was highly positive (whether the case was upheld or not) with satisfaction rates on all criteria between 77% and 100% across the year. Complainer satisfaction levels were lower - 60% to 70% over the year were satisfied with our helpfulness, information provided, communication and explanation of our process, but scores were lower for comprehension of our decisions (36% to 50%) and the reasoning provided (27% to 30%). We will be addressing these issues in the 2016-17 year.

The table below has information on which types of legal practitioners we receive complaints about.

	2015/16	2014/15
By practitioner type		
Complaints received:		
Solicitors	1110	991
Advocates	22	18
Commercial Attorneys	0	0
Complaints accepted as eligible:		
Solicitors	406	411
Advocates	2	3
Commercial Attorneys	0	0

Appeals

For more information about our outreach work with the legal profession, see [page 20](#).

	Eligibility	Determination	Total
Appeals received in year	10	5	15
Appeal Outcomes			
Won	3	1	4
Lost	1	0	1
Conceded	5	0	5
Withdrawn	2	1	3
On-going Appeals	5	5	10

Handling Complaints

For more information about handling complaints, and how they inform our work in oversight of the relevant professional organisations, see [page 16](#).

	Open	Suspended
Start of Year	3	1
End of Year	1	1

Handling complaints can sometimes be suspended due to ongoing investigations elsewhere or for personal reasons.

	Law Society of Scotland	Faculty of Advocates
Handling Complaints received	5	2
Handling Complaints accepted for investigation	2	1
Handling Complaints rejected	3 -1 time barred; -1 not justified to intervene in ongoing investigation -1 conduct complaint received pre 1st January 2015 (when legislation changed to allow complaints from complained about solicitor)	1 -1 time barred

Handling Complaints continued

Outcome	RPO	Number	Recommendation
Satisfactory administration & decision-making	Law Society of Scotland	2	None.
Generally Satisfactory administration & decision-making	Law Society of Scotland	1	None.
Satisfactory administration & critical decision-making	Law Society of Scotland	1	Complaint should be reconsidered by the Professional Conduct Sub-Committee
Critical administration & critical decision-making	Law Society of Scotland	1	Complaint should be reinvestigated and reconsidered by the Professional Conduct Sub-Committee; £300 compensation and £10 costs should be paid to the complainant. (Formal direction to comply was issued).

SLSO Legacy Work

We continue to deal with a small number of handling complaints that, under transitional arrangements, fall under the powers of the ex-Scottish Legal Services Ombudsman.

Complaints in hand at 1 July 2015	0
New complaints received	3
Complaints not accepted for investigation	3
Complaints investigated and closed	0
Complaints in hand as at 30 June 2016	0

Freedom of Information

As a public body, making sure we meet our duties under the Freedom of Information (Scotland) Act 2002 is a very important responsibility.

This year, in addition to providing [information](#) on our website about the *Reuse of Public Sector Information Regulations 2015* and our duties under it, we dealt with 53 Freedom of Information requests.

In three requests, the requester asked for a review of our decision. These are looked at by our internal reviewer (the original request is dealt with by our Information Officer). In all three cases, the review upheld the original decision. There were no appeals of our decisions to the Scottish Information Commissioner.

A significant number of the requests - 11 out of 16 - where we withheld information (wholly or in part), related to restrictions on what we can disclose under section 43 of the Legal Profession and Legal Aid Scotland Act. This was one of the issues we raised in our [#ReimagineRegulation](#) legislative change paper

Provided a full response	20
Provided a partial response	7
Withheld information	16
Information wasn't held by us	2
Refused to confirm or deny information was held	3
Request withdrawn by requesters	5

National Performance Framework

As an independent public body, we receive no public funding. However, the National Performance Framework does influence some of our work.

The SLCC is independent of government and of the legal sector. Based on our governing statute we set our own priorities and budgets, something that is key to ensuring the mutual confidence of the profession and the public in how we impartially resolve disputes.

The National Performance Framework has, however, provided a useful tool in our strategy and legislative change work as we tried to step back from some of the current detail and think about what high level outcomes we are trying to achieve overall for consumers of legal services, lawyers, and for the wider public.

In our proposals for the future we have been conscious that consumer confidence is critical to **economic stability and growth**, and effective complaints handling plays a vital role in that. Likewise, our approach must be proportionate and support sustainable legal businesses which are vital as part of the access to justice framework (supporting **social cohesion**) as well as being important to our economy (and to ensuring Scotland is an **attractive place to do business**).

As part of our role in **tackling inequality** we have carried out reasonable adjustment and accessibility training with our staff, unconscious bias training with our decision makers, have reviewed the demographics of those making complaints to look for issues and barriers, and have made further commitments to work in this area for the coming year.

Looking to the ‘justice outcomes’, we consider that complaints resolution is part of **ensuring respect in exercising rights and responsibilities** and that **legal services are fair and accessible**. We have published new consumer information on wills and executries, and challenged perceptions by also publishing guidance for consumers in relation to criminal law and the standards of service which should be delivered by defence agents.

Although outside the public sector finances, we too are guided by the objective that **institutions and processes are effective and efficient**. Throughout this annual report you will find reference to work in that area, and as well as tackling those issues within our control we have published a paper on how legislative change may allow further efficiency.

Much of this work, and our core role, is about the rebalance of power between consumers and professionals - not only supporting consumers who will have much less knowledge and ensuring they receive an appropriate service, but also in providing impartial determination which can give closure to a practitioner who has done all that they can for the client even if the client is not satisfied. We believe this role, within Scotland's unique and historically separate legal system, and the values it upholds, plays a part in a **strong, fair and inclusive national identity**.

We have this year been accredited as a Living Wage employer, have been recognised as a 50:50 by 2020 partner organisation, and have published equal pay data. We know fair pay and equality are important to the legal sector, including the relevant professional organisations we work with (The Law Society of Scotland, the Faculty of Advocates, and the Association of Commercial Attorneys), and to the Scottish Government, and we will look for further appropriate opportunities to play a leadership role in a changing Scotland.

We would also note the value delivered by our Sponsor Team at the Scottish Government which represents a saving to the sector- we have accessed free training and advice for staff and Board members, have worked positively on the public appointments process for new members, and value the independent audit of our finances and performance which our Sponsor Team organise.

Biodiversity and Industrial Relations

As a public body, we follow a number of information disclosure requirements which help make sure the work we do is transparent, and contributes to wider society.

This includes a [statement](#) we publish every three years on what we have done as an organisation to work in a responsible way with regard to biodiversity conservation. We last published this in February 2015 (before our last operational year), but were pleased when our statement was chosen to contribute to best practice work undertaken for the Scottish Government.

“...we were pleased when our statement was chosen to contribute to best practice work undertaken by the Scottish Government.”

We also report on our approach to industrial relations.

As we are a small organisation, much of the interaction between the management team and staff takes place face to face. However, we also have employee-nominated staff representatives. In the past year, we undertook a staff survey which received an 84% response rate.

There is now a staff working group looking at how we can improve on the feedback received.

Chief Executive's Closing Remarks

Opportunities and new challenges ahead as the SLCC works to deliver its strategy and respond to a rapidly changing environment.



Neil Stevenson
SLCC Chief Executive

Our new strategy and our Operating Plan for the year 2016/17, bring a range of opportunities to improve our core processes and the overall value of what we deliver. We want to improve our website and search rankings. This is based on data which shows web searches are the main way consumers find us as a body they can make a complaint to. We will look at our powers to issue guidance, and how we may be able to further promote and enforce better handling of complaints by lawyers themselves, saving the cost to the sector of matters escalating to us. We will also be working on our service user satisfaction ratings, particularly for the public where scores are slightly lower than they are compared to the feedback we received from lawyers.

“As well as these some challenges al

As well as these opportunities there are some challenges ahead. At the close of this year complaints were showing a 12% rise compared to the year before. At the moment, no particular trend or issue seems to be driving this, although we will continue to examine the data for emerging trends.

During the latter half of the year some of our investment in the core processes (both staffing and efficiency work) was showing dividends, but the increase in incoming complaint numbers was outweighing these.



We will have more data by January 2017, when we consult on a budget for the next year, but if the trend continues decisions on how to resource this increase in workload will need to be made.

In 2016/17 it is also likely a new regulator will be approved by the Scottish Government under the Legal Services (Scotland) Act 2010. This will introduce four new types of complaint the SLCC will be required under statute to consider, within a new legislative and

opportunities there are ahead.

regulatory framework, and with new providers of legal services. We are positive about this new role, but in delivering a large volume of new policy and process, within a complex legal structure, there will be a number of

challenges. We also need to carefully consider funding, as the new business models need to self-fund their regulation without subsidy from existing lawyers and firms.

Just after the end of the year, we received the decision in a Court of Session appeal case around how complaints are categorised at one of the stages in our process. The outcome of this case could have significant implications for consumers, lawyers and to our own operational model and costs. There have also been different views in the sector as to how the decision affects cases, and this may also have implications. Any impacts will doubtless be a feature of next year's annual report.

Finally, we will need to see what impact our #ReimagineRegulation paper on options for legislative change has. If it influences thinking, as we hope, then we will need to develop further detail on how to deliver the improvements we suggest which we hope can benefit both lawyers and consumers by improving their journeys through complaints and regulatory processes.

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