

# Number of Complaints about Scottish Solicitors fall

The Scottish Legal Complaints Commission (SLCC) laid its second Annual Report before the Scottish Parliament today.

The report covers the period from 1 July 2009 until 30 June 2010 and highlights the number and types of complaint coming to the SLCC; how the economic downturn may have affected the predicted number of complaints and how legal challenges may change how the organisation operates.

Commenting on the SLCC's challenges and achievements, Chair Jane Irvine said: "The legislation which gives us our powers is the Legal Profession and Legal Aid (Scotland) Act 2007 and it is inevitable that new legislation will be challenged.

"Our Board prepared for this by setting aside money to fund any legal processes and during the year, we received 11 challenges with the majority still being heard in the Court of Session at the year end.

"The outcomes of these appeals are important to us as they relate to how the 2007 Act is interpreted."

In order to meet its strategic aims of independence, impartiality and accessibility, the SLCC set five corporate objectives. The Annual Report outlines the organisation's work to meet these with the section on complaints work fulfilling (1) "The SLCC will provide a high quality, independent and impartial complaint handling service which focuses on early resolution" and (2) "The SLCC will be an efficient, accountable organisation that works to best-value principles". The key themes of 2 are also covered in the annual accounts.

☒ Commenting on the work of the organisation during the year,

SLCC Chief Executive, Rosemary Agnew said: “Statistically, the number of enquiries and complaints coming to the SLCC was lower than originally predicted and this may be due to a number of factors such as the economic downturn.

“We have responded by adopting a cautious approach to recruitment, expanding only to meet the needs of our current workload and at the end of the financial year, we employed 29 members of staff instead of the predicted 45, which was the anticipated figure prior to our opening in 2008.

“We have successfully established the ‘gateway’ for all complaints about legal practitioners and deal directly with complaints about inadequate professional service.

“In line with our aim to resolve complaints at the earliest opportunity, we continue to develop our mediation function and aim for resolution through both formal and informal approaches.”

Transitional arrangements were in place until 1 October 2010, which gave the SLCC powers similar to those of the former Scottish Legal Services Ombudsman (SLSO). The arrangements gave the SLCC the powers to deal with cases where matters instructed or conduct issues occurred prior to the opening of the SLCC on 1 October 2008.

Rosemary Agnew continued: “The transitional powers ended on 1 October 2010 and we anticipated an increase in the number of complaints eligible for investigation under the 2007 Act. Our team started preparing for that change in the summer of last year.”

Key points:

- SLCC case load – 3,775 (3,561 enquiries and complaints and 214 in hand from previous year) of these, 1,452 were legal complaints
- Cases considered under the powers of the Scottish Legal

Services Ombudsman – 216 accepted for investigation; 180 opinions completed; 49 outstanding

- The largest proportion of complaints was about residential conveyancing
- 204 cases were considered for mediation
- 17 cases were resolved through mediation

☒ Commenting on the publication of the annual report of The Scottish Legal Complaints Commission, Lorna Jack, Chief Executive of The Law Society of Scotland said: “We are pleased to see that there has been a fall in the number of complaints made against solicitors compared with last year, which we believe has been partly driven by firms dealing more effectively with complaints at source. However, more work needs to be done to ensure a better understanding of the reasons behind this reduction.”

“We are also pleased that the Commission has said they will be “asking for less” when they set the levy for solicitors later this year. We hope this will be a meaningful reduction given the Commission’s reserves now stand at over £1 million. It is important for the Commission to work as efficiently as possible and carefully manage its budget, particularly in the current economic climate when the solicitors who fund the Commission still face tough business decisions. The consultation on the Commission’s budget will begin shortly and we are urging solicitors to contact us so their views can be included in our own submission to the Commission as part of that consultation.”