

The Scottish Legal Complaints Commission (SLCC) investigates two types of complaint:

- complaints about inadequate service provided by solicitors and advocates; and
- complaints about the way in which professional bodies have dealt with complaints about a solicitor's or advocate's conduct.

This leaflet deals with the second of these types which we refer to as "handling complaints".

What we do

The SLCC investigates complaints about the way a professional body, such as the Law Society of Scotland or the Faculty of Advocates, has dealt with a complaint about a solicitor or advocate's conduct. The SLCC will decide whether the professional body has given each complaint proper attention, if it has taken appropriate action on the basis of a fair and thorough examination of all the evidence, and if it has acted reasonably, impartially and effectively.

If your complaint is one which the professional body said it could not investigate, the SLCC can consider whether the professional body acted fairly and properly when reaching its decision.

If the professional body has failed to start or has not yet completed an investigation, the SLCC may prepare a report on the investigation if it thinks that its involvement is justified. However, normally we will not investigate if a conduct complaint is still being investigated by the professional body.

What we do not do

The SLCC cannot investigate your original complaint about the solicitor or advocate's conduct. We cannot act as an appeal of the professional body's decision nor can we overturn the decision the professional body has taken on your complaint.

How to complain to the SLCC and the information we need

You must make your complaint within six months of the professional body writing to you with its decision. We can deal with your initial enquiries by telephone, email or fax. However, your complaint must be made on an SLCC Handling Complaint Form which must be signed by you. If this is difficult for you, please phone us or call in and we will assist you in completing the form.

The Handling Complaint Form can be downloaded from our website or please write, telephone or email our office and we will send you one.

In your Handling Complaint Form, you need to tell us:

- Your name and postal address plus any other contact details such as telephone number or email.
- What concerns you about the way your complaint was handled. Complaints about handling can include the professional body refusing to investigate a complaint, not explaining things properly, taking too long, or not providing reasons for its decisions. Remember, when examining handling complaints, the SLCC does not investigate the complaints you have made about the conduct of the solicitor or advocate.
- The name of the solicitor or advocate you complained about, the professional body's case reference number and the date (and if possible a copy) of the professional body's decision letter.
- How you have been affected by what has gone wrong.

If the SLCC upholds your complaint, it can recommend that the professional body take any or some of the following actions:

- provide you with more information;
- investigate the complaint further;
- reconsider its decision;
- exercise its powers in relation to the solicitor or advocate;
- pay compensation for loss, inconvenience or distress caused to you by poor complaint handling;
- re-imburse part or all of the reasonable costs incurred in making your complaint to the SLCC.

You should keep records and receipts of any costs incurred, as these may be required.

What happens when we receive your Handling Complaint Form?

Firstly, we will let you know if your complaint is one the SLCC can investigate. If it is, we will confirm with you the issues you have asked the SLCC to look into. The SLCC will also write to the professional body requesting its file on your complaint and asking them for any comments they wish to make about your complaint.

Our investigation into your complaint will be based around the professional body's complaint file, as well as all documentation relating to their investigation and decision making. The SLCC can ask for more information from you, the solicitor or advocate, or the professional body if needed.

The SLCC will report on the way the professional body managed the investigation, and whether it looked into the complaint properly. The SLCC will say whether it thinks the investigation was fair and thorough. If the SLCC does not think that the investigation was fair and thorough, it will generally make one or more of the recommendations described above. The format of our report will vary and may, where appropriate, take the form of a letter. If you are complaining as a third party, we may be restricted in what we can report to you as we need to respect the confidentiality between the solicitor and his/her client.

We also have a wider duty to review how professional bodies deal with conduct complaints and any lessons learned from how your complaint has been investigated may be used to assist us in that process.

Does the Professional Body have to follow the SLCC's recommendations?

The professional body has three months to decide if it will accept the SLCC's recommendations. If it does not, the SLCC can direct the professional body to comply with our recommendations.

Who is given a copy of the SLCC's report?

The report is sent directly to you, to the solicitor or advocate you originally complained about and to the professional body.

How long does the SLCC's investigation take?

Some investigations will take longer than others. However, we aim to complete our investigation within 12 weeks from receiving the file from the professional body. We will write to let you know if we are going to take longer than this.

Does it cost anything to complain to the SLCC?

No. There is no charge to make a Handling Complaint.