



THE LAW SOCIETY
of SCOTLAND

www.lawscot.org.uk

Complaints Against Solicitors

Law Society of Scotland – Complaints Against Solicitors

Changes to the Complaints System

Most people are fully satisfied with the service they receive from their solicitor. Occasionally, there is a problem and a complaint is made. The system for making complaints against solicitors changed with the opening of the Scottish Legal Complaints Commission on 1 October 2008. From that date, all complaints must be sent to the Commission in the first instance. It decides if a complaint relates to a service provided or the conduct of a solicitor and whether the Commission or the Society or both should investigate the matter.

The Commission can be contacted on T: 0131 528 5111.

Service and Conduct Complaints

Complaints against Scottish solicitors vary in nature and seriousness. Typical examples of complaints include:

Service issues – such as poor communication, avoidable delay, failing to follow instructions and failing to advise about rising fees/outlays.

Conduct issues – relate to a solicitor's behaviour and can include breaches of professional rules.

Complaints can also be made by someone who is not a client but has been directly affected by a solicitor's actions.

Service Complaints Before 1 October. For a transitional period until 2010, the Society will continue to deal with service complaints relating to business instructed before 1 October 2008. The Commission refers these complaints to the Society. Sanctions include the correction of mistakes, a full or partial refund or waiver of fees and payment of compensation.

Service Complaints After 1 October. The Commission deals with all service complaints arising after 1 October. Sanctions include the correction of mistakes, a full or partial refund or waiver of fees and payment of compensation.

Conduct Complaints. The Commission refers all conduct complaints to the Society for investigation. There are two categories of conduct complaints. The

first is unsatisfactory professional conduct. The sanctions for unsatisfactory professional conduct include censure, a fine, payment of compensation and an order to undergo training. The second and more serious is professional misconduct. Such cases may be referred for prosecution before the Scottish Solicitors Discipline Tribunal and can lead to a solicitor being suspended or struck off.

Time Limits

It is always best to investigate complaints as soon as possible after the event, when memories are fresh and paperwork is intact and available. The Society and the Commission investigate complaints made within a year of the business being completed or the matter coming to the complainer's attention. The Society's time limit is only relaxed in very exceptional circumstances.

Transparency and Confidentiality

In line with the Society's policy of openness and transparency, copies of correspondence will be copied between parties, subject to confidentiality issues.

Reviewing the Society's Handling of a Complaint

One of the new Commission's functions is to review the Society's handling of a complaint, which was previously carried out by the Scottish Legal Services Ombudsman. The Commission looks at the way the Society handled the complaint, not the service provided or the conduct of the solicitor. The Commission can recommend that all or part of the complaint is reconsidered and also order the Society to pay compensation.

Further Information

For more information, contact the Society's Regulation Liaison Team on 0845 113 0018 or 0131 476 8168.

More details about the Commission are available at T: 0131 528 5111.

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