

SLCC Operating Plan: July 2014- June 2015

| <p align="center">SLCC OPERATING PLAN - JULY 2014 TO JUNE 2015</p> | <p>A high quality, independent and impartial service focussed on early resolution and on the needs of users</p> | <p>An efficient, accountable organisation which tracks performance and acts to improve it</p> | <p>An influential organisation providing guidance and insight to improve standards and build public trust and confidence</p> |
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| <p>1. EXCELLENCE IN COMPLAINT HANDLING</p> | | | |
| <p>a) Enquiries- clearer assistance and signposting for users b) Timescales and complaint handling performance published quarterly c) Continuous improvement of our complaint handling processes and procedures d) Searchable database of published decisions e) Independent scrutiny of complaints about the service provided by the SLCC f) Consumer panel established to reflect perspective of complainers g) Effective co-regulation through shared intelligence and insight h) Maintain user focus and early resolution as key facets of our process i) Ensure robust complaint handling in place for approved regulators and licensed providers (alternative business structures)</p> | <p>Blue shaded cell</p> | <p>Blue shaded cell</p> | <p>Blue shaded cell</p> |
| <p>2. SHARING EXPERTISE</p> | | | |
| <p>a) Targeted outreach programme supporting work on guidance and expertise in complaint handling b) Training packages for better complaint awareness and handling in the legal profession c) Research on effectiveness of first tier complaint handling d) Understanding the risk profile and root causes of complaints in the legal profession e) Guides for the public on how to effectively engage legal services f) Public awareness of SLCC and our role and remit</p> | | | <p>Blue shaded cell</p> |
| <p>3. RISK AND REDRESS</p> | | | |
| <p>a) Work with RPOs to ensure practitioners comply with any sanctions awarded b) Investigate whether the general levy could be further differentiated by risk c) Review the proportion of SLCC running costs met from complaint levy rather than general levy</p> | <p>Blue shaded cell</p> | <p>Blue shaded cell</p> | |

1. EXCELLENCE IN COMPLAINT HANDLING

a) Enquiries- clearer assistance and signposting for users

We receive over 5000 enquiries each year. Making sure that users have clear expectations of what we can and can't do and a good understanding of how the complaint system works will build confidence in the system. Where we aren't the right people to help, we will do our best to put users in touch with those who can.

b) Publish our timescales and complaint handling performance

The amount of time taken in dealing with complaints is the biggest area of dissatisfaction which our users tell us about how we work. We will publish our performance figures each quarter and will include an indication as to how long an average case is taking at each of the different stages. This greater transparency will help users to keep track of how long their complaint is likely to take.

c) Continuous improvement of our complaint handling processes and procedures

We have made considerable progress in streamlining our processes and procedures to deliver efficient and effective complaint handling. However, we believe that we should always be looking to improve them. For instance, we are assessing whether using closely supervised reporters might be an opportunity to offer a better service.

d) Searchable database of published decisions

We intend to publish some of our decisions on our website. Again this increases the transparency of our system, helps to provide guidance on how we will view the approach taken by practitioners, provides assurance around the consistency of our decisions and allows the public to make a more informed assessment of the quality of service being provided. Our overall intent is to share our decisions more widely with the public. We are aware that this is a sensitive topic and will be working with the profession and with consumer groups on how this should be done.

e) Independent scrutiny of complaints about the service provided by the SLCC

The decisions which we make can be appealed to the Court of Session, but currently any complaints which users may have about how we have dealt with a complaint are only considered by the SLCC management team. We are an independent and impartial organisation, committed to high standards of complaint handling. We will be appointing an external reviewer to assess complaints made about the quality of service we have provided (but not to challenge our decisions since this can only be done by the Court of Session). We believe this will strengthen public confidence in how we carry out our duties.

f) Establish a consumer panel to better articulate the perspective of complainers

We have a statutory obligation to consult with the relevant professional organisations on our Rules. We have regular meetings with the Law Society of Scotland and the Faculty of Advocates who represent their members as well as regulating the profession. It can be harder to hear a representative voice on behalf of consumers who may wish to complain and we are an independent body, not a consumer champion. We will set up a panel drawn from consumer groups, academics and members of the public and commit to regular consultation on how we can improve. The panel will be on a voluntary basis so there will be no additional cost to be met through the levy.

g) Effective co-regulation through shared intelligence and insight

We are one element of the system which provides public assurance in legal services. We already have bilateral meetings with the Law Society of Scotland, the Faculty of Advocates and the Scottish Solicitors Disciplinary Tribunal. We share specific information with the Scottish Legal Aid Board. For co-regulation to work effectively, it is essential that we have the appropriate systems of liaison and co-ordination in place. We want to play our full part in ensuring that any risks to the public are effectively identified, tracked and managed.

h) Maintain user focus and early resolution as key facets of our system

In common with other complaint handling and ombudsman associations, the SLCC was set up as an alternative to the formality, expense and cost of dealing with complaints through the court system. Keeping a clear focus on the needs of our users and encouraging efforts to resolve complaints must be at the heart of our work. We will keep how we communicate with users and how we encourage dispute resolution as important priorities so that our service is accessible, understandable and efficient in dealing with complaints.

i) Ensure robust complaint handling in place for alternative business structures

Under the 2010 Legal Services Act, we will continue to act as the single gateway for all legal complaints in Scotland. We will also investigate and determine certain types of complaint about approved regulators and licensed providers. Once an approved regulatory scheme has been confirmed, we will need to act quickly to make sure that we are ready to support the new regulatory regime. We do not believe that this work should be funded from our existing levy or reserves and so are in discussion with the Scottish Government on how this work should be funded and resourced. Although it is part of our operating plan, we do not propose to meet the costs of this work as part of our 2014/15 Budget.

2. SHARING EXPERTISE

a) Targeted outreach programme supporting work on guidance and expertise in complaint handling

Improvements in how the legal profession approaches complaints will lead to increased public confidence and a stronger and more successful legal services sector. We are planning a series of outreach events across Scotland to focus on the themes, issues and areas of legal work which our trends identify as priorities.

b) Training packages for better complaint awareness and handling in the legal profession

We aim to share complaint handling expertise from other professions and industries and will develop a range of delivery methods for training packages to support the profession. We anticipate a mix of classroom training, newsletters, videos and e-learning but be carrying out more work to assess the most cost effective and efficient approaches.

c) Research on effectiveness of complaint handling at the first tier

To measure the impact of our own efforts and those of others to improve complaint handling in the profession, we need more data and more powerful insight. Although surveys and questionnaires can be of some help in this, we will also carry out some more detailed work to understand what is working in the profession and what isn't. It will be important to get the views of practitioners and consumers so we will be looking to work with consumer groups and individual firms as well as the professional organisations.

d) Understanding the risk profile and root causes of complaints in the legal profession

Our five year trend analysis, which we released with our 2012/13 Annual Report, indicated that particular areas of law appear to carry a higher risk of complaint. Within each of these areas, complaints can be further profiled to indicate the importance of issues such as communication, delay and costs. We will be expanding on the work we've done so far to include looking at the risks for different sizes and structures of firms. This will underpin more effective outreach and guidance work.

e) Guides for the public on how to engage legal services effectively

Since the SLCC was established, we have received over 8000 complaints about legal services in Scotland. Consequently, we have insights to share with the public on areas where problems can arise and on actions that they can take to minimise the risks of something going wrong. In addition, we believe there is an important part we can play in making sure that the public's expectations of practitioners are realistic. The fact that a complainer didn't secure the outcome they were hoping for isn't always sufficient grounds for a complaint. By working with consumer groups we hope to build public awareness of what should and shouldn't be expected of a practitioner, since informed consumers are in a better position to recognise the risks of poor service and to take steps to minimise them.

f) Public awareness of our role and remit

Consumers are frequently not aware of how to complain to ombudsman and complaint handler schemes, regardless of industry sector. However, there is some evidence that the number of dissatisfied customers of legal services who go on to complain is even lower than for other areas. If the SLCC is to bolster consumer confidence, the public must be aware of our role and remit. The existence of an independent and impartial body which acts as the gateway for all legal complaints should act as a source of public assurance but this will only happen where public are aware of the scheme and of what it can and can't do.

3. RISK AND REDRESS

a) Work with the professional organisations to ensure that practitioners comply with any sanctions awarded

In our Annual Report for 2012/13, we commented that we were seeing an increasing number and proportion of cases where complainers were not receiving the compensation or fee rebates which they had been awarded by the SLCC. Without effective redress, public confidence in legal services and in the regulatory system designed to protect them will be eroded. We will continue to work with the professional organisations to ensure that complainers do receive redress as fully and promptly as possible.

b) Investigate whether the general levy could be further differentiated by risk

Currently the general levy is charged at different rates for solicitors, advocates and commercial attorneys and there are further distinctions made on the basis of experience and nature of work. There are over 11,000 legal practitioners in Scotland and the SLCC receives around 1100 complaints each year. As one would expect, the complaints are not evenly distributed, so it could be argued that the general levy does not take sufficient account of the risks and track record of particular practitioners.

We will explore the feasibility of matching the general levy more closely to risk and to where the SLCC's resources are required. Of course, much of our work on outreach and guidance is aimed at reducing complaints and our role in providing public assurance is to the benefit of the entire profession so it would not be appropriate for risk and complaint history to be the sole consideration. In addition we would need to explore how a differentiated system could be administered and implemented, not least since it is the professional organisations rather than ourselves who collect the general levy. There is a great deal to be considered before we make any changes to the principles behind the general levy but we believe this is an area which we should assess.

c) Review the proportion of SLCC running costs met from complaint levy rather than general levy

Our existing policy is that we do not include sums raised from the complaint levy in our budget process although they do contribute to our reserves. In other ombudsman schemes, a proportion of the budget (in some cases the majority of the budget) is met from a complaint levy rather than through a general levy. This means that although there is a general contribution to running those schemes, more of the costs are met by those practitioners who have been referred to the scheme. We intend to work with the professional organisations on the desirability and feasibility of making similar changes in the SLCC's budgeting process. Such a shift could provide further incentives for improved complaint handling practice and encourage higher standards, but our experience is that non-compliance with the complaint levy might make this a much less secure and effective basis for our work.