

**Scottish Legal Complaints Commission**  
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18 February 2014

Dear

### **Consultation on the Rules of the Scottish Legal Complaints Commission 2013**

As you may be aware, we are currently working with the professional organisations and a number of consumer interest groups to look at how the Legal Profession and Legal Aid (Scotland) Act 2007 might be improved with the benefit of experience we have gained from operating under it. It is anticipated that, once any proposed amendments are made to the Act, these this will feed into a more comprehensive review of our rules which we expect to consult on later this year.

There is one proposed amendment to our rules, however, which we have decided to proceed with at this point rather than await the more comprehensive consultation. This relates to an amendment to the existing Rules 13 & 14 to remove draft Determination reports. There are two reasons why we are proceeding with this change at this point:

1. From feedback we receive from complainers and practitioners, it is clear that the major cause for concern is delay and the length of time the complaints investigation process takes. In our view the draft Determination report is a redundant step in the process as parties will already have had ample opportunity to make representations, including at the step where a complaint moves to Determination.
2. Where we are looking at other efficiency improvements to speed up the overall complaints process, it makes sense to progress this change sooner rather than later.

The Commission therefore proposes to make changes to the existing Rules 13 and 14 to remove the requirement for draft determinations to be issued at the Determination stage of the complaints process.

Under section 32 (5) of the Legal Profession and Legal Aid (Scotland) Act 2007, the Commission must, before varying its rules, consult with the Lord President of the Court of Session; the Scottish Ministers; the relevant professional organisations; such groups of persons representing consumer interests as it considers appropriate, as to the proposed content of the rules to be varied.

I have attached a document which contains both the original and proposed new wording. If you wish to make comments on the proposed wording, I should be grateful if you would address those to David Buchanan-Cook, Head of Oversight, by **Friday 21 March**.

Yours sincerely

**Matthew Vickers**  
**Chief Executive Officer**

Enc. Current and Proposed wording for Rule 13 & 14