

# SLCC update report on the Faculty of Advocates' response to our recommendations

## Introduction

The Scottish Legal Complaints Commission (**SLCC**) has independent oversight of the complaints and redress system of the Faculty of Advocates (**Faculty**). Under Section 36 of the Legal Profession and Legal Aid (Scotland) 2007 Act, we can make recommendations about the Faculty's procedures for, and methods of dealing with conduct complaints. Our aim is to ensure the Faculty runs a well functioning conduct complaint handling process.

## The SLCC's statutory recommendations

Both the person who makes a complaint and the advocate complained about can make a handling complaint to the SLCC about how the Faculty dealt with the investigation of the conduct complaint. A handling report issued in **December 2023** resulted in three Section 36 recommendations.

In **June 2024**, we published a [report](#) detailing our review of all conduct complaints referred to the Faculty for investigation since January 2020. Based on our analysis, we concluded the Faculty's current complaints process is overly complex and extremely challenging to navigate. As a result, we made two further Section 36 recommendations.

We published an [update report](#) in **June 2025**, welcoming the Faculty's commitment to improving its complaints process and its approach to implementing the Section 36 recommendations and our observations. We also observed that compliance with the recommendations was dependent on approval and publication of the revised Disciplinary Rules.

In our **June 2025** report, we noted the progress made since **July 2024** and welcomed the comprehensive approach taken by the Faculty. We also confirmed our expectation that the Disciplinary Rules should be shared with the Lord President by **July 2025**.

## The Lord President's recommendations

In October 2023, February 2024 and the start of June 2024, the former Lord President, the Rt Hon Lord Carloway, recommended that a number of changes should be made to draft Rules shared with him by the Faculty.

These included: to consider lowering the standard of proof that has to be met in disciplinary cases for advocates from 'beyond reasonable doubt' to 'on the balance of probabilities'; to carry out a review of the sanctions currently contained in the Rules and to prepare sanctions guidance for those taking decisions on disciplinary matters.

## Progress update

The Faculty provided a written update on the implementation status of the SLCC's five statutory recommendations in **January 2026**, and a further update in **May 2026**.

Recommendation	Update
1. Improve the clarity of its Disciplinary Rules	<p>The Dean of Faculty sent a revised draft of the Rules to the Lord President in <b>June 2025</b>. The Lord President established a Judicial Working Group to undertake detailed consideration of the draft Rules. It prepared an interim report on the Rules, which, once approved by the Lord President, was issued to the Faculty for its consideration in <b>November 2025</b>.</p> <p>In <b>August 2025</b>, the Lord President asked the Dean of Faculty what consultation there had been on the draft Rules. After discussions with the Dean the Lord President asked the Faculty, in <b>October 2025</b>, to consult publicly on the draft Rules so that the views of consumers, advocates and anyone else who wishes to respond to the consultation are taken into account before the draft Rules are finalised.</p> <p>We understand that the Lord President welcomes the Faculty's willingness to run a public consultation and ensure that the new draft Rules will hold its members to the highest standards of behaviour.</p>

	<p>The Faculty has established a Disciplinary Rules Working Group to oversee and coordinate the drafting of the Rules, with the drafting taking into account future changes arising from the implementation of the Regulation of Legal Services (Scotland) Act 2025.</p> <p>The Faculty have committed to launching the public consultation over the summer months, and we understand that it plans to ask the Lord President for final approval in autumn 2026, subject to the exact timing of the consultation.</p>
<p>2. Write a complaints policy and procedure manual</p>	<p>The new Complaints Policy and Procedure Manual will not be approved and published until the Disciplinary Rules have been approved by the Lord President. The Faculty has confirmed that work has commenced to support finalisation once the Rules are approved.</p>
<p>3. Review its training for Complaints Committee members</p>	<p>Training for Disciplinary Tribunal, Committee and Lay Members, aligned to the new Rules, will be delivered following implementation.</p>
<p>4. Issue sanctions guidance</p>	<p>The Faculty has concluded a comparative review of professional disciplinary sanctions. This work has progressed in parallel with drafting revisions to the Rules to ensure that sanctions reform is fully integrated into the consultation draft of the Rules. The sanctions guidance will be finalised during the summer.</p>
<p>5. Create comprehensive guidance for complainers</p>	<p>The Faculty confirmed that draft guidance structures are in development, with accessibility and plain English requirements to be built in from the outset.</p>

## Conclusions

The Faculty has acknowledged that compliance with all five recommendations is dependent on the finalisation and publication of the revised Rules, particularly in enabling consistent guidance, training and public-facing explanatory materials.

The Faculty has also recognised the SLCC's concern about the length of time since the recommendations were made and the importance we place on demonstrable progress. The strengthened governance arrangements and additional delivery capacity now in place provide assurance that the programme of work is progressing, and remains a strategic priority for the Faculty.

As it is now 30 months since the SLCC made the Section 36 recommendations in our handling report, we expect the Faculty to implement the Disciplinary Rules swiftly once approved by the Lord President. Full compliance with the statutory recommendations will support the Faculty in meeting its aim of operating a professional disciplinary process that embodies the highest possible standards of quality, proportionality and fairness.

## Next Steps

Our next steps remain as set out in our **June 2025** update report. We will monitor the Faculty's progress against the statutory recommendations through our quarterly meetings and when undertaking handling complaint investigations.

In June 2027, and annually thereafter until the recommendations are fully met, we plan to publish update reports on the progress made by the Faculty. To engage with and support the Faculty, we will, in May 2027 (and each subsequent May) seek a formal written update on progress as part of an annual assurance cycle.

With each update, we will request evidence of work undertaken, details of any challenges relating to resources or competing priorities, and the Faculty's anticipated timeframe for full implementation of the recommendations. In the absence of substantial progress, we may consider making further recommendations to support the Faculty.

## June 2026