

# Handling Complaints

**This leaflet explains how the SLCC deals with complaints about how a professional organisation has investigated a conduct complaint about a legal practitioner.**

**The SLCC calls these types of complaints ‘handling complaints’**

# Frequently asked questions

## Which professional organisations investigate conduct complaints?

- The Law Society of Scotland
- The Faculty of Advocates
- The Association of Commercial Attorneys.

## How do I make a handling complaint?

Handling complaints **must** be made on one of the SLCC's Handling Complaint forms. Guidance notes are attached to assist with completing the form.

## What are the time limits for making a handling complaint?

If a final decision has been made about the conduct complaint, a letter is sent out explaining the decision.

Handling complaints **must** be made **within 6 months** of the date of the final decision letter. It cannot be accepted if 6 months have expired.

If the conduct complaint is still being investigated, the SLCC will not usually intervene unless there are exceptional reasons. The handling complaint may be made once the decision letter has been issued.

## Are there any costs involved in making a handling complaint?

No. There is no charge for making a handling complaint.

## What will the SLCC investigate?

The SLCC will consider whether the professional organisation has:

- given the conduct complaint proper attention in a reasonable timescale
- considered every aspect of the complaint and taken into account all of the evidence available
- acted reasonably, impartially and effectively in the investigation.

**Please note that a handling complaint is not a substitute for an appeal. We are not able to alter or overturn the organisation's decision.**

# The handling investigation process

## Has the complaint been properly made?

The SLCC checks that:

- the complaint form has been fully completed and signed
- the complaint is within the **6 month** time limit
- there are no exceptional reasons why the SLCC should investigate before a final decision has been made

All parties will be notified of the SLCC's decision to accept or reject a handling complaint.

## Investigating the complaint

The SLCC sends a copy of the complaint form to the professional organisation and requests its file. The complaint form is also sent to the practitioner originally complained about or the original complainer.

Once the file and any comments are received, the handling complaint is passed to an investigator to prepare a report.

## Issuing a final report

The SLCC aims to prepare a final report within 16 weeks of the file being received from the professional organisation.

The final report includes the SLCC's conclusions and any recommendations.

## Conclusions

The SLCC can decide that the professional organisation's investigation was:

- satisfactory; or
- generally satisfactory

The SLCC may also be **critical** of how the professional organisation dealt with the complaint.

## Recommendations

The SLCC can recommend that the professional organisation:

- provides information
- investigates further
- reconsiders its decision

- pays compensation up to £5,000 for loss, inconvenience or distress resulting from the investigation of the conduct complaint

## Guidance

The SLCC can issue guidance to the professional organisation, proposing improvements and changes to the systems for investigating complaints.

## What happens after a final report?

The professional organisation has **14 days** to notify its intentions. It then has **3 months** to take the appropriate action, or confirm its decision not to comply. The SLCC may direct the professional organisation to follow the recommendation, if it considers it necessary to do so.

## Further information:

Additional information about handling complaints can be found on our website:

<http://www.scottishlegalcomplaints.com/making-a-complaint/handling-complaints.aspx>

If you have a general enquiry about handling complaints or you would like more information, you should contact the SLCC's Oversight Team on 0131 201 2130.

You can also send an email to: [slcc.oversight@scottishlegalcomplaints.org.uk](mailto:slcc.oversight@scottishlegalcomplaints.org.uk)

*If you want to find out more about the SLCC, please visit*

<http://www.scottishlegalcomplaints.org.uk>

*We are open from 9am until 5pm, Monday to Friday, apart from Tuesday when we close for staff training between 10am and 11am. If you need information in another language or in large print or on audio CD, please get in touch.*