

**Scottish Legal Complaints Commission**  
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24 February 2016

**Email: [enquiries@scottishlegalcomplaints.org.uk](mailto:enquiries@scottishlegalcomplaints.org.uk)**

Dear

### **Proposed Changes to the SLCC's Rules**

In 2014, the SLCC consulted on a number of proposed changes to the SLCC Rules, including a change in the time limits for making a complaint from one year to three years. We also proposed to introduce a shorter time limit of six months from the date on which the first tier investigation of the complaint concluded.

During the course of the consultation, we were made aware of the EU ADR Directive and the potential time limit aspects of that. Rather than change the rule twice in a relatively short time, it was agreed to proceed with the other proposed Rule changes but to put time limit changes on hold whilst we examined the issues around the directive. The Board has decided to take no further action at this time regarding the ADR directive and, accordingly, considers it appropriate to re-visit the intention of changing the time limits for submitting complaints.

Detail is set out in the attached document of the proposal that the Commission moves from a one year to a three year time limit for receiving complaints. A comparison with time bars operated by other professional bodies and an analysis of the high number of complaints currently excluded by the time bar, are strong arguments for change. The proposal introduces a shorter six month time limit where the practitioner makes it clear to the complainer that they will take no further action on a complaint and provides details of how a complaint may be raised with the Commission. We consider that this will encourage swift and transparent complaint handling by practitioners in the first instance.

We further propose that the new time limit provisions will apply in relation to work which was first instructed on or after 1 July 2016, or where the date of an alleged occurrence of a specific act, omission or conviction complained of was on or after 1 July 2016.

Under section 32 (5) of the 2007 Act, the Commission must consult before any changes are made to its Rules. Despite having previously consulted on this proposed change, we have considered it appropriate to re-open the consultation for a short period. This is due to the time lapse since the previous consultation and is designed solely to capture any new or novel comments, or take account of any interim developments, that may not previously have been captured. **We will take into account comments previously made under the 2014 consultation, and these need not be repeated.**

I would like to invite you to send any comments which you wish to make regarding the proposed Rules change to our Head of Oversight ([David.Buchanan-Cook@scottishlegalcomplaints.org.uk](mailto:David.Buchanan-Cook@scottishlegalcomplaints.org.uk)) by close of business on Friday 11 March 2016.

We will be publicising this consultation on our website but I would encourage you to share it with anyone else who you feel may wish to contribute. We intend the 2016 Rules to come into effect on 1 July 2016 and once the consultation is complete we will be working to publicise the changes and to assist the profession and public in making the new arrangements work smoothly.

Yours sincerely

A handwritten signature in black ink, which appears to read 'N. Stevenson', is positioned below the text 'Yours sincerely'.

**Neil Stevenson**  
**Chief Executive Officer**

*Enclosed: Proposed wording for Rule 7.2 ff.*