

Frequently Asked Questions on the time limit changes made in the Rules of the SLCC 2016.

General questions:

Q. Is this change retrospective and will it allow complaints previously rejected to be re-considered?

A. No, it only applies to complaints which arise from legal work commenced on or after 1 April 2017. This means that complaints which currently fall outwith the 1-year time limit cannot be resubmitted for consideration as they will relate to work which began before that date.

Q. Why is this change being made?

A. Partly to address the number of complaints which come to us each year and are rejected because they are received too late but also to bring the SLCC closer in line with other similar complaint-handling bodies.

Q. So will this change result in an immediate increase to the SLCC's workload?

A. Making this change effective only for complaints arising from new work engaged on or after 1 April 2017 means that any increase in complaints will be gradual and phased over the next few years.

Questions that only apply to legal practitioners:

Q. What changes will need to be made to my Terms of Business/Terms of Engagement Letter?

A. Information on signposting the client to the SLCC (where they remain dissatisfied with the firm's handling of the complaint at 1st tier) will need to be changed to reflect the new 3-year limit. This will apply to all Terms of Business/ Terms of Engagement issued on or after 1 April 2017.

Q. Will I need to change my firm's complaints procedure?

A. If your complaints procedure or process refers to the SLCC's time limits this will have to be amended to reflect the change, but bearing in mind that it only affects complaints which arise from new work commenced on or after 1st April 2017.

Q. Will the change impact my firm's record retention policy?

A. The Law Society of Scotland's guidance outlines different file retention periods for different types of business, running from the point at which the file is closed. As the amended time limit runs for three years from the date the work commenced, it is unlikely that this will impact firms' existing file retention practices.