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Dear Neil

SCOTTISH LEGAL COMPLAINTS COMMISSION DRAFT BUDGET 2018/19

Thank you for the opportunity to respond, on behalf of the Crown Office and Procurator Fiscal Service, to the SLCC's consultation on its draft operating plan and budget for 2018/19.

We have noted the SLCC's proposal, in so far as it relates to Procurators Fiscal, to raise the levy for in-house lawyers from £107 to £116 (an 8.5% increase following last year's 12.5% increase).

Our general position on the proposal remains as set out in our response to last year's consultation: the annual SLCC levy is a significant cost (approximately £60,000) for a public sector organisation employing 521 prosecutors, almost all of whom are solicitors who hold a practising certificate funded by COPFS, and 48 trainee solicitors. In light of the very small number of complaints about the work of prosecutors and our inability, unlike other employers of in-house lawyers, both private and public sector, to raise funds to compensate for the increase, it appears to us to be unfair to spread the increase uniformly across different groups.

We therefore welcome the proposal in your consultation (section 10) to apportion the levy in a different way, taking greater account of the risk of complaint from different groups but without adding to the SLCC's costs in administering the process. Our initial preference would be for the third option, thereby only increasing the fee for private practice solicitors.

Beyond this preference, we think it would be possible to refine further the third option to narrow the exemption to only in-house lawyers employed in the public sector in Scotland. Recognising, however, that this may be more difficult to administer for the SLCC and my earlier point that many public sector organisations are, unlike COPFS, able to raise additional funds through their own system of taxation, fees and cost recovery, our alternative proposal would be to exempt public prosecutors employed by COPFS from the levy increase on the basis that, uniquely in Scotland, they are employed to perform a public

service for which there is no cost recovery mechanism and therefore no ability to absorb and off-set the increased cost of investigating complaints against solicitors and advocates.

We look forward to the outcome of the consultation and the Board's decision in relation to the 2018-19 levy and will continue to work closely with the SLCC.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John T Logue', written in a cursive style.

JOHN T LOGUE
Deputy Crown Agent Operational Support