

Law Society of Scotland's investigation timescales - compliance with SLCC recommendations

Introduction

The Scottish Legal Complaints Commission's (**SLCC**) oversight function forms a core part of the regulatory system for legal services in Scotland. We provide independent oversight of the complaints and redress system of the Law Society of Scotland (**LSS**).

Our aim is to ensure the LSS runs a well functioning conduct complaint handling process. By analysing trends in complaint handling we aim to drive improvement and ultimately to promote public confidence in the regulation of legal services.

Under Section 36 of the Legal Profession and Legal Aid (Scotland) Act 2007, if we identify trends in conduct complaint handling, we can give guidance to the LSS on the timescales within which it should complete its conduct complaint investigations. We can also make recommendations about its procedures for, and methods of dealing with conduct complaints.

Conduct complaint investigation timescales

Between 2020 and 2022 we identified that LSS conduct investigations were routinely taking longer than its published target timescale of about 12 months. To understand if the trends identified in handling investigations were representative of conduct complaint investigations overall, we analysed 792 conduct complaints.

Based on our analysis of the data, we concluded that the trend we had seen across handling complaints was broadly reflective of the timescale of conduct investigations overall. This is of concern due to the multiple risks associated with delay in the investigation of conduct complaints. We identified the following key risks;

- public protection issues associated with solicitors continuing to practice whilst under investigation
- complainers conclude their complaint is not being taken seriously, which may impact public confidence in the complaints process
- a negative impact on the effectiveness of administration and decision making
- an adverse impact on both parties' ability to recall events

- a negative impact on the confidence of the legal profession that disciplinary matters are dealt with effectively and swiftly
- both parties do not think the process is open and transparent
- a negative impact on the mental health of both parties.

In March 2023, we published our [report](#), setting out three statutory recommendations to mitigate these risks;

- Set a realistic and achievable target timescale for the completion of conduct investigations as a key performance indicator (KPI).
- Improve the transparency of communications with both complainers and solicitors on the timescales for the completion of investigations and on the progress of investigations.
- Create a plan of action to achieve the new key performance indicator, detailing how and when the improvements outlined in the LSS’s response to our reports will be achieved.

We followed this with an [update report](#) in June 2023, outlining the LSS’s initial response. In April 2024, our [annual update report](#) welcomed improvements in the LSS’s conduct complaint handling timescales. In our most recent [annual update](#), published in [April 2025](#), we welcomed further improvements in the LSS’s investigation timescales. In this, our final report on compliance with the statutory recommendations, we summarise the progress made by the LSS in improving its investigation timescales.

LSS update on compliance with recommendations

In its final written update in November 2025 and subsequent update in March 2026, the LSS provided details of its progress against the action plan created to support achievement of its key performance indicator. The LSS confirmed the following recommendations and action points have been completed and remain the subject of ongoing monitoring and continuous improvement;

Recommendation / Action plan point	Progress
Set a realistic and achievable timescale for the completion of conduct investigations as a key performance indicator (KPI)	<p>Previously reduced target from <380 to ≤295 between operational year 2023/24 and 2024/25.</p> <p>Met target of ≤295 days in operational year 2024/25.</p>

	Target retained for operational year 2025/26.
Improve the transparency of communications with both complainers and solicitors on the timescales for the completion of investigations and the progress of investigations	Updated policy on providing updates to parties and improved communications on timescales on LSS website and in initial letters.
Create a plan of action to achieve the new performance indicator detailing how and when the improvements outlined in the LSS's response to our reports will be achieved	Action plan shared with SLCC. Remains implemented and is being monitored as part of continuous improvement.
Increase resources and department restructure	<p>Previously increased resources and completed restructure. Additionally, recruitment to increase administrative resource was completed.</p> <p>For operational year 2025/26, secured budget to recruit additional support roles. The recruitment of three 12 month fixed term reporters has been authorised.</p>
Further improvements to the recommendation process	<p>Recommendation templates, letters and supporting guidance updated.</p> <p>Implemented a more proportionate approach to reviewing recommendations.</p>
Business process mapping	Completed high-level process mapping of end-to-end conduct process.
Legal services regulation reform	A project team has been established to manage implementation of the Regulation of Legal Services (Scotland) Act 2025

Work on the following action plan items continues into the LSS's current operational year;

<p>Increase focus on aged cases</p>	<p>Previously increased focus on older cases and implemented improvements set out within the action plan. The focus on older cases continues.</p>
<p>Improving our data</p>	<p>Previously created data store to hold management data and completed a project definition document for a replacement case management system.</p> <p>Progress on replacing our case management system continues to be queued pending implementation of other Law Society digital projects.</p>
<p>Health issues in conduct complaints</p>	<p>Reasonable adjustments policy published. Initial correspondence updated to better highlight resources available to support parties.</p> <p>Powers secured in the Regulation of Legal Services (Scotland) Act 2025 to discontinue investigations. This provides a mechanism by which the LSS may be able to competently stop proceedings when health is an issue. Further work on this will be carried out as part of the implementation of the 2025 Act.</p>

The LSS reference uncertainties around complaint volumes and changes to the SLCC's eligibility process as reasons it would not be realistic to lower the key performance indicator further at this stage. The LSS confirmed its current data shows that 13% of its caseload is older than 18 months.

The SLCC has experienced an overall increase in complaints across all areas and types of legal business. Our initial analysis has not identified a specific driver for this increase. This trend is reflected in the statistics published in our annual reports over the past five years.

The SLCC welcomes the recent commitment of additional resource by the LSS to the investigation of complaints. This will ensure the LSS are well placed to sustain the improvements in investigation timescales, in the context of rising complaint

numbers. Additional resourcing will also support the delivery of good quality reporting.

In our original report, we highlight the risk to public protection associated with solicitors continuing to practice whilst under, sometimes lengthy, investigation. Recent cases have flagged this ongoing risk. As detailed in its [Annual Plan 2025-26](#) and the above action plan, we urge the LSS to work towards implementation of the relevant sections of the Regulation of Legal Services (Scotland) Act 2025. This would enable the suspension of solicitors under investigation. The discontinuation of complaints due to health issues, where appropriate, has the potential to further improve the efficiency of the LSS's complaints process, as do changes that mean complaints will no longer be remitted back to the LSS from the Scottish Solicitors' Disciplinary Tribunal.

The SLCC agrees with the LSS that while some uncertainties remain, the LSS has made good progress both in terms of its investigation timescales and action plan. We appreciate the LSS's positive engagement on this issue and its compliance with the statutory recommendations. Improved investigation timescales benefit both the public who make complaints and solicitors complained about and ensure the risks associated with delay are minimised.

We expect the LSS to closely monitor its investigation timescales going forward as part of its routine operations. We note progression of the LSS's digital transformation of its systems will support the professional conduct team to improve its data and monitor performance. We will continue to monitor the progress of the LSS at our quarterly meetings and when undertaking handling complaint investigations.

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