

IMPROVING TRUST AND CONFIDENCE IN SCOTTISH LEGAL SERVICES

Our strategy for 2016 to 2020

Complaints handling which is:

Independent | Fair | Impartial
Accessible | Efficient | Effective



Resolving complaints | Improving Practice | Inspiring Confidence

In October 2018 the Scottish Legal Complaints Commission will be ten years old. This will be half way through the period this strategy covers, and by then we want to ensure that we are at peak efficiency and effectiveness in handling complaints under the current system. We also want to demonstrate the early impact of some of the other ambitious work in this strategy – helping us in the second two years to deliver even greater value to consumers and to lawyers.

Our strategy is the outcome of extensive engagement work – using a range of techniques from informal discussions through to a formal and public consultation. We have also examined regulatory and complaints arrangements in other jurisdictions and sectors to inform our approach.

We believe everyone benefits from swift resolution, early in the process. **We are committed to improving our own resolution times and to publishing more data about our performance, but also want to focus debate on what is the right balance of quality, speed, cost and fairness.** Working with consumer and professional bodies we want to explore whether starting with a goal of 6 or 12 months for resolution, and trying to design a system around that, could deliver greater innovation and better results than the current complex and detailed statutory requirements.

We will increase the transparency of our formal determination process, and will publish more information on procedures and outcomes. This will allow scrutiny of our work and understanding of our impartial role in making a final decision on whether a complaint between a lawyer and a consumer is upheld.

We can also all improve when expertise is shared, and when organisations work in partnership. Where appropriate, we will work with the Law Society of Scotland, the Faculty of Advocates, the Association of Commercial Attorneys, the Scottish Government, and with consumer groups. We want to continue our journey of learning from best practice in complaints handling to improve our own performance, but also move to **influencing standards of service for all of Scotland’s diverse clients** based on our experience of over 8,000 cases.

Finally, we believe **regulation and complaints handling should be consumer focussed with clear responsibilities, a simple and accessible framework, and with the public always clear who they should turn to.** We will actively engage in debate on how the current arrangements can be improved.

Our founding principles were **independence, fairness and impartiality,** and we are proud of our Board and staff team who visibly display these attributes every day. However, as our anniversary approaches people rightly expect more, and we are committed to achieving this.

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Bill Brackenridge
Chair



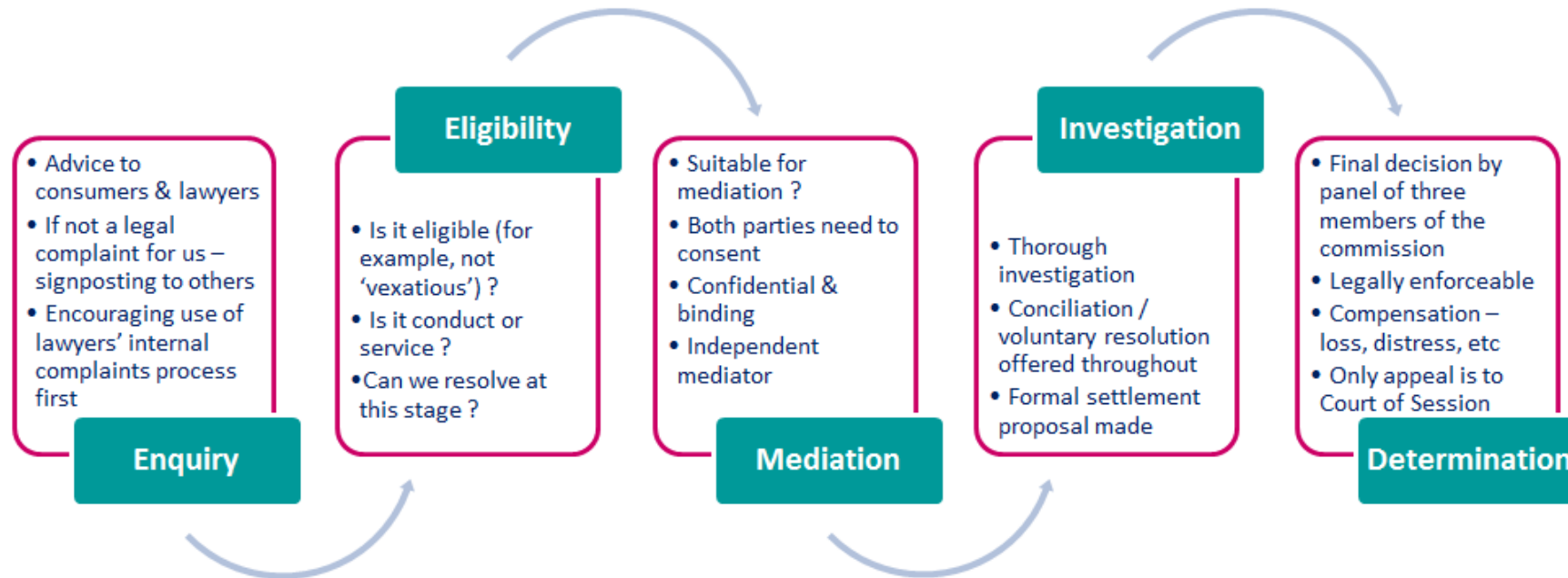
Neil Stevenson
Chief Executive



Our main statutory functions as an organisation are to:

- Provide a gateway for all complaints about lawyers in Scotland
- Manage directly complaints that relate to the **service** provided by lawyers – providing redress where appropriate
- Refer complaints about the personal **conduct** of lawyers to the ‘relevant professional body’
- Manage complaints about how the ‘relevant professional bodies’ have dealt with those conduct issues
- Give advice on complaints to all parties
- Issue guidance and encourage best practice
- Monitor practice and publish trend reports – to help ensure the sector learns from complaints made
- Monitor the effectiveness of the various indemnity arrangements in the sector
- Support, and be guided by, our independent Consumer Panel

Our core process:



Performance 2014/15

1,009

New complaints received

72%

Accepted complaints resolved or upheld

£401,240

Redress awarded or agreed

76%

Mediation success rate

More information on our **process** is available at: <https://www.scottishlegalcomplaints.org.uk/making-a-complaint/complaints-process.aspx>

More information on our **current performance** is available at: <https://www.scottishlegalcomplaints.org.uk/resources/annual-report-accounts.aspx>

Five priority themes will help us deliver our core functions ...

1. **BUILD TRUST** so consumers and lawyers know we are here and have confidence in our service

For us to be effective, consumers, irrespective of background or circumstance, need to know we are there to help and will respect their concerns. Lawyers must trust that we are independent and impartial. We must make our information and services accessible, and must be informed by our Consumer Panel and the 'relevant professional bodies' to ensure we understand our users' needs. As a visible and reassuring presence we will increase consumer confidence and so support economic activity in the sector. Our functions will be delivered in the public interest.

2. **PROMOTE STRONG RELATIONSHIPS** between consumers and their lawyers, helping fix issues quickly and reducing the causes of complaints

When a problem arises, we want to support lawyers and consumers to ensure issues are fixed immediately by the lawyer where appropriate. This reduces cost and anxiety for everyone (consumers, lawyers, and the SLCC). We also want to ensure that the causes of common complaints are reduced, and that where we do need to intervene we try to ensure an outcome that maintains the relationship between the lawyer and consumer.

3. **DELIVER EARLY RESOLUTION & REDRESS** through an independent, impartial, fair, and accessible service which is efficient and effective

We will seek resolution between parties at each stage of our process, offering creative options such as independent mediation, and progress to formally 'determining' complaints only in a minority of cases. We will improve our own performance, including the length of time complaints take to resolve. Where justified, we will ensure matters are put right and the consumer is compensated. We will encourage apologies. The quality of our determinations will give closure to parties, and minimise the need for appeals.

4. **DRIVE IMPROVEMENT** through a culture of learning from complaints, quality improvement, and our influence in the sector

We want to ensure that as an organisation we have an embedded cycle of learning. This means we will learn from mistakes and successes and continually improve our performance and work. We will use our data and insight to improve how individual lawyers handle a complaint when it is first made to them, and we will influence change at a national level on standards, the handling of complaints and effective regulation.

5. **DEVELOP HIGH PERFORMANCE** as a complaints organisation and employer

We want to attract and retain talented people by being a place people want to work. We want to provide them with quality systems, IT, support and development to perform their role. This will ensure we provide faster and more efficient services, and will increase our transparency.

Over the following pages we provide more detail on what these priorities may mean to you.



Consumers & customers...

At the heart of building trust and confidence in Scottish legal services is ensuring **that high quality customer experience** is offered to a diverse range of users. That applies equally to the lawyers who provide legal services, and to our own work in assisting consumers when things may have gone wrong. The seven commonly recognised consumer principles will drive our work. These are: ***access, choice, safety, information, fairness, representation and redress.***

We are drawing on the leading academic and business thinking in the field, such as the work of the Institute of Customer Service's World Class model of customer service, and want to ensure we are constantly improving our own and the sector's work, where there is learning from our functions or overlap with them, using the key drivers of customer experience.

In this new strategy, with accompanying values, we start our commitment to this model. In our annual plans and policy work you should see projects reflecting the issues below as they apply to our particular work.

STRATEGY & CULTURE

Commitment - Service quality is a key corporate value, with associated goals, action programmes, measurement and top-level accountabilities.

Credibility - Promises are kept, service is delivered at times that suit customers and superb service recovery systems are in place.

PEOPLE

Capability - People are recruited and developed against competencies that give high priority to customer-focused attitudes, e.g. consideration, tolerance and empathy

Continuity - Retention, reward and recognition strategies focus on world-class service delivery.

PROCESSES

Consistency - Processes are designed from a customer's viewpoint and are consistently delivered.

Creativity - Continuous improvement and innovation are nurtured and encouraged to flourish.

DETAILS OF OUR PRIORITIES & working with others...

This section provides some more detail on each priority theme:

1. Build trust
2. Promote strong relationships
3. Deliver early resolution and redress
4. Drive improvement
5. Develop high performance

To deliver our aims we will, where appropriate, work with other key bodies in the sector, consulting and engaging, and identifying partnership projects and opportunities for co-production with:

- The Faculty of Advocates
- The Law Society of Scotland
- The Association of Commercial Attorneys
- The Scottish Solicitors Discipline Tribunal
- The Consumer Panel and consumer groups
- The Scottish Government

1. BUILD TRUST

so consumers and lawyers know we are here and have confidence in our service

- ensuring all Scotland's diverse consumers know about the SLCC, our role, and how we can help – seeking their feedback on our work and how we can improve
- ensuring solicitors and advocates understand our role - seeking their feedback on our work and how we can improve
- ensuring that MSPs, policy makers and civic Scotland are aware of our role and services
- minimising barriers, real or perceived, to making a complaint and providing appropriate support to make our services accessible to Scotland's diverse consumers
- obtaining high quality insight on what consumers expect of lawyers, and the information they need to make informed buying choices
- championing a system that is consumer focussed with clear responsibilities, a simple accessible framework, and where consumers know who to turn to



2. PROMOTE STRONG RELATIONSHIPS

between consumers and their lawyers, helping fix issues quickly and reducing the causes of complaints

- encouraging better handling at ‘first tier’ by publishing robust guidance on complaints handling, & requiring evidence of compliance
- encouraging good practice, including voluntary mediation by lawyers as part of their approach to complaint handling (before we are involved)
- supporting consumers to consider options, make focussed complaints to firms (and us), and to understand the complaints processes
- helping set expectations and understanding between consumers and lawyers on service standards and cost, so as to reduce the causes of complaints
- considering how data on complaints raised direct with lawyers (firms currently keep logs) could play a role in improving standards
- sharing learning from our Consumer Panel to help practitioners understand client needs

3. DELIVER EARLY RESOLUTION & REDRESS

through an independent, impartial, fair and accessible service which is efficient and effective

- delivering appropriate improvements in efficiency and cost at each stage of our process
- publishing clear decision and sanctions guidance, so parties can self-assess the likely outcome of a complaint and to increase our transparency and accountability
- resolving complaints by mediation, or agreed settlement based on our investigation report, at the earliest stage
- leading the debate on what timescales, and other factors, consumers expect in complaints resolution and engaging the government and sector on how to work together to achieve that
- making consistent and robust decisions, so as to reduce appeals and, in particular, lost appeals
- exploring how to ensure clients receive awards of redress made (currently a small number do not)



4. DRIVE IMPROVEMENT

through a culture of learning from complaints, quality improvement, and our influence in the sector

- engaging in debate, based on our learning from complaints, on relevant areas of the regulation of legal services (the roles of the many elements involved, information sharing, legislation, etc.) to ensure a clear, consistent and consumer focussed framework
- working with others to provide education and support materials to help lawyers resolve complaints early and promoting a requirement for regular training (CPD) for all those who handle complaints
- making the case to professional bodies for changes to service and conduct standards, where we believe we have evidence of systemic issues stemming from our core complaints process
- encouraging discussion on how the use of technology can improve consumer experience of lawyers, and likewise improve our own services and efficiency

5. DEVELOP HIGH PERFORMANCE

as a complaints organisation and employer

- examining every stage of our process, in consultation with stakeholders, to look for big and small cost and time efficiencies
- improving our consumer focus, customer experience, and customer feedback
- attracting and retaining a talented, motivated and diverse staff team, by being a place people want to work
- ensuring an internal learning culture that improves the quality and efficiency of our work
- focussing on the skills and behaviours that will deliver this strategy and our core complaints work
- managing our finances effectively - with efficiency savings, a stable levy (the fee paid by lawyers which funds the SLCC), and external audit
- delivering our services and processes digitally, to improve quality and/or efficiency



IMPROVING OUR PERFORMANCE: at the heart of all our work is our high quality and efficient complaints process

For any complaints body it is essential, before anything else, that the core statutory complaints process is delivered to the highest possible standard. All those who took part in our formal consultation agreed on this priority.

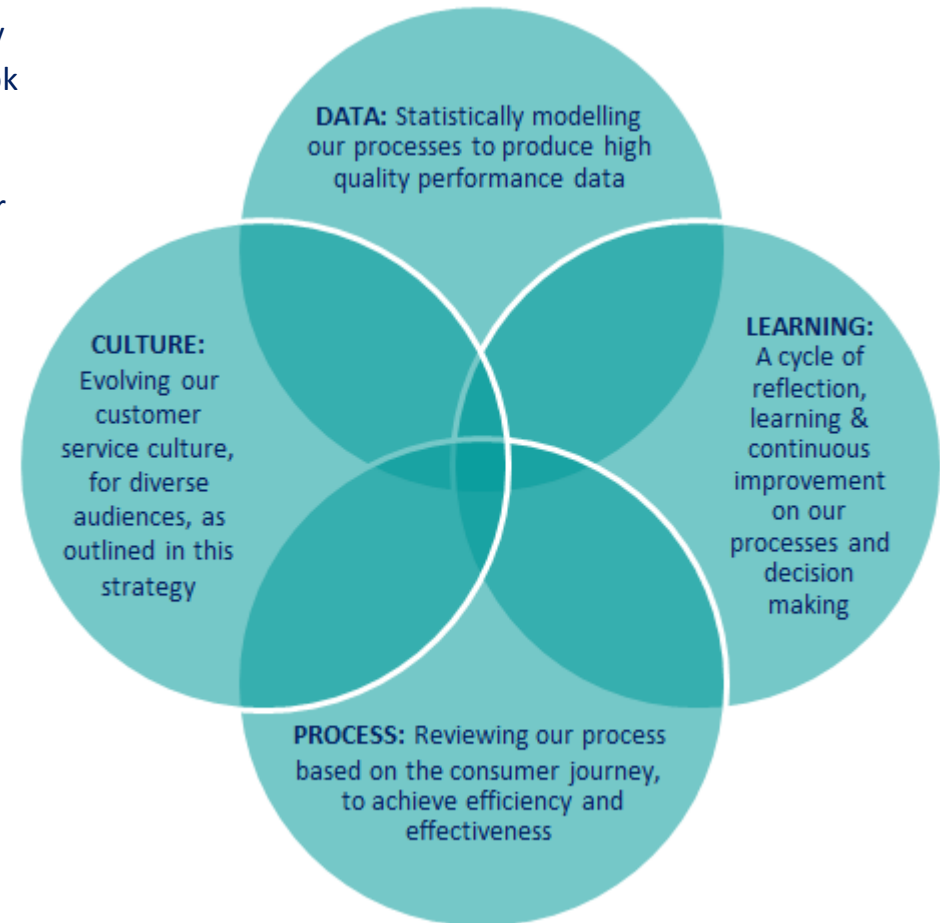
The majority of our staff work in this area (over 90% work on directly delivering our statutory functions), and the majority of our resources are committed to individual complaints work.

Throughout the four years we believe four overlapping approaches will ensure we deliver continuous improvement in this area.

- Improving how we use **DATA** to drive our business and performance, and reduce the time complaints take to resolve
- Evolving our **CULTURE** to focus on customer experience – for lawyers and consumers
- Reviewing our **PROCESS** using customer journey, LEAN and other methodologies to improve our core performance
- Ensuring we become a **LEARNING** organisation

In the annual **operating plan** which we publish each year you will see the specific details of the improvement work we plan in that period.

In the first year we will increase the amount of **published performance data** so users and stakeholders can track our progress.



Our values...

In delivering against our five priorities our whole staff and Board member team identified five key values and associated behaviours which everyone at the SLCC aspires to. These values will help us to achieve our aims and create an organisation we can be proud of.

Here, and throughout our strategy, we refer to the **diverse** people of Scotland who use our services and those services provided by lawyers. In this term we include the protected characteristics from the **Equality Act 2010** (*age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation*). However, we also include wider issues of socio-economic status, geographic and digital exclusion, literacy, and circumstance (like fleeing domestic violence or oppression abroad).

PEOPLE FOCUSED - *We understand and are mindful of the needs of our diverse service users*

TRUST - *Our processes and outcomes can be trusted by all as fair, independent and impartial*

RESPECT - *We respect the diverse groups we work with & are respected as an organisation*

LEADERSHIP – *As recognised leaders we take decisive, well-informed action & drive improvement*

EFFICIENCY & EFFECTIVENESS – *We make a positive, measurable impact*

SHARING LEARNING to create a cycle of quality improvement

Drawing on the leading evidence of quality management in industry and professional services, we believe the five priorities summarised work together in a similar way to a classic quality improvement model. This will help us drive our own performance and the elements of the wider sector that impact our work and so are relevant to us.

At our launch the Minister stated:

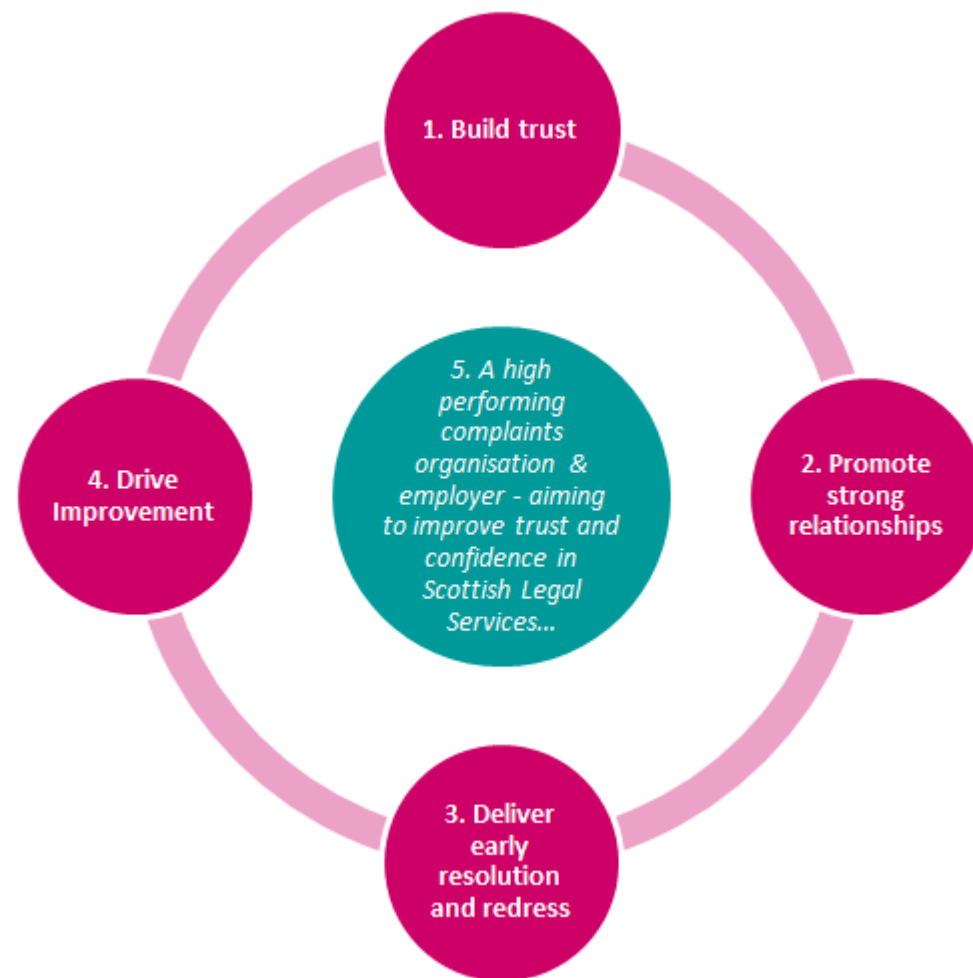
“Complaints handling is not just about dealing with things that go wrong, but ensuring that things go right. The commissioners will help to build a culture of learning from complaints through their oversight and promotion of standards. This focus on the quality of service will undoubtedly benefit both consumers and the profession alike.”

Working this way will help provide added value from our work for lawyers and consumers. This will especially be the case where we can engage effectively with the professional bodies to liaise on priorities for better regulation and complaints handling, and how to achieve that.

Our focus on learning and quality improvement will also inform our work with lawyers, encouraging them to learn from complaints and improve future service. We know the most frequently given reason by complainers for raising a complaint is stopping the same thing happening to someone else in the future.

To give consistency to our work we have reviewed various leading thinking on what good regulation and complaints handling looks like. Many models could be referred to, but we have decided that we will use the framework set out by the Better Regulation Executive in its five principles of better regulation: **proportionate, consistent, targeted, transparent & accountable**. Like the Professional Standards Authority (PSA) we believe that ‘**agile**’ should be an additional principle. They added this after identifying the problems caused by markets and technology moving faster than primary legislation and regulation can.

We also adopt the **PSA’s model for assessing regulatory need**. This helps focus thinking on priorities and outcomes for consumers.



SETTING THE CONTEXT around our plan...

Examining evidence and working with others we looked at the current environment we work in and what it may look like over the four years of the plan.

**Scottish
Government
National
Performance
Outcomes**

- *The decision making of the SLCC is independent of government, and based on our governing statute we set our own priorities and budgets, something that is key to **ensuring the mutual confidence of the professions & the public in how we impartially resolve disputes**. However, in providing an important public role and benefit we believe the SLCC should be inspired by the Government's National Performance Framework and the commitment to measurement of progress within it.*

*Studies, and the recent experiences of the economic crises, show that consumer confidence is critical to **economic stability & growth**, and effective complaints handling plays a vital role in that. Access to legal service contributes to **social cohesion**, often levelling the economic and social divides; we help ensure that all those using lawyers receive an appropriate service. We contribute, in these small ways, to these two elements of the Government's highest level 'purpose'.*

*In common with other organisations within the Justice sector, much of our work focusses on the Government's 'strategic objective' of **safer & stronger communities**. Looking to the 'justice outcomes' we consider that complaints resolution is part of **ensuring respect in exercising rights & responsibilities** and that **legal services are fair & accessible**. We are guided by the objective that **institutions & processes are effective & efficient**.*

*The 'National Indicators' also guide our thinking on many areas. Effective legal services, and the resolution of issues about those services, help ensure Scotland is an **attractive place for business**. Every aspect of our work needs to assist in **tackling inequality** – from appointments to our Board and our own arrangements for staff to ensuring our service is accessible to all. Being part of Scotland's unique and historically separate legal system, and the values it upholds, plays a part in a **strong, fair & inclusive national identity**. We will review future versions if these change.*

Political

- *We are the statutory gateway for legal complaints and should reflect appropriate feedback from MSPs and government and we should help inform public policy on the legal sector and on consumer complaints. Common issues raised by MSPs and policy makers informed our new approach.*

Economic

- *We are likely to have opposing forces at play – reduced public sector spending (Legal Aid, pay restraint, etc.), contrasted with growing economic activity in the sectors we handle complaints for. Work to reduce the cause of complaints should keep cost down whilst ensuring resource for serious complaints.*

Sociological

- *The population is aging, with more complex personal legal needs in later life; divorce is increasing; consumers are more aware of rights and willing to challenge cost/service; patterns of immigration mean we must serve varying populations. We are keen we ensure and increase accessibility to these groups.*

Technical

- *Clients and lawyers are using technology more, and wanting faster, more tailored, and more responsive services. Complaints are often aired on social media, comparison sites are a consumer norm, social media may help raise our profile, smartphones will be used more than PCs.*

**Legal sector /
organisations**

- *Law firms are consolidating/growing (often working cross-border), there are increased pressures on small firms around scale and legal aid. There is an opportunity to improve our own legislation. We will work with the Professional Organisations, and bodies in the sector where appropriate (especially the Law Society of Scotland and the Faculty of Advocates). Regulatory and complaints legislation is constantly evolving and we examined recent case law and experiences and best practice in other sectors and jurisdictions.*

Environment

- *There are opportunities around paperless processes & home working to reduce waste/cost. We need to engage across all of Scotland (not just urban areas).*

ENGAGEMENT...

From August 2015 to May 2016 we spent considerable time in discussion with a range of individuals and organisations, professional and consumer, to inform each stage of our thinking in developing this strategy.

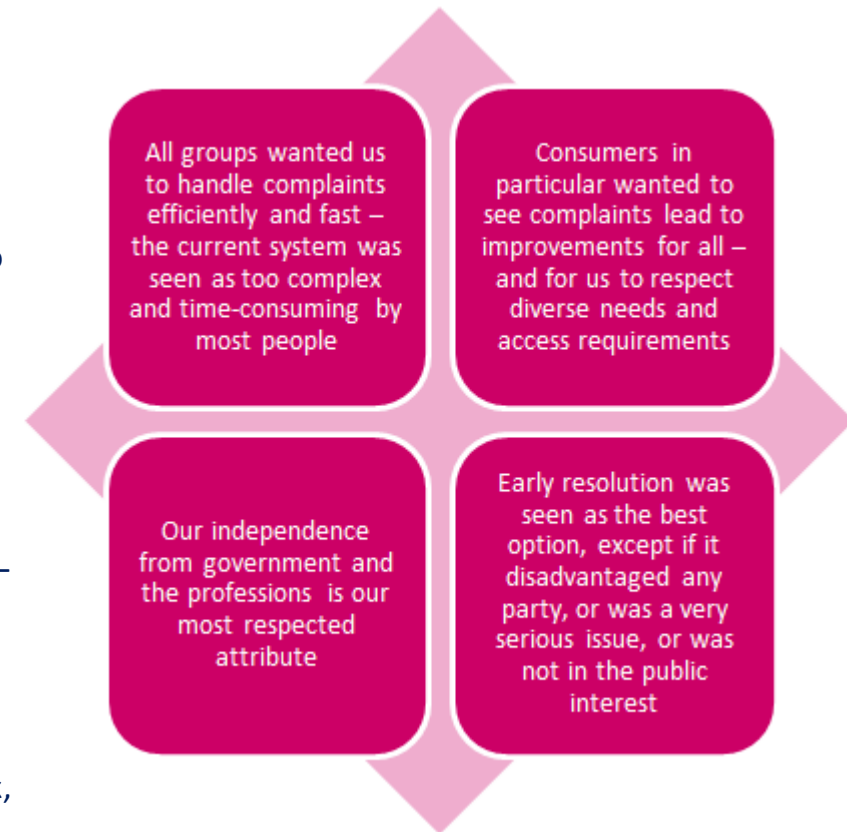
Our Board published a formal public consultation started in January 2016, and all responses to this, and our summary of themes, are published on our website. We'd like to thank again everyone who has helped inform our thinking and shape our approach.

We also drew on evidence from the **feedback we collect from lawyers and consumers who use our services**, and **engaged with our whole staff team** through a variety of methods to capture their views, knowledge and experience. We sought out **best practice** from other jurisdictions and sectors, and looked at **academic research** on regulation and complaints handling.

We were pleased at the strong support and encouragement we got around focussing on our main complaints process and ensuring it is independent, fair, impartial, and efficient – and we continue to believe it is also important it is accessible to all of Scotland's diverse population and is effective (in offering redress, and informing future practice to tackle recurring themes in complaints).

There was a wide ranging debate about our other statutory functions and our wider work, with many suggesting we limit our focus exclusively to processing individual complaints. This led to extensive revisions in both how we presented our aims and in the substance of projects and work. However, with other statutory duties to dispense, and wider work necessary to make our role efficient and sustainable, we did not follow all suggestions.

We commit to ensuring effective ongoing engagement, partnership working, and co-production as we now work to implement our new strategy.

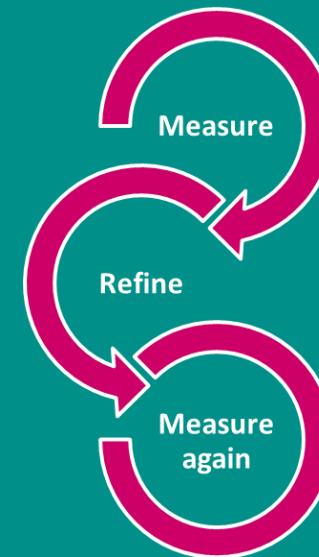


Success

What does success look like ?

The Board and Senior Management Team are developing a set of measurements and performance indicators which will let us report robustly and accurately our performance against our priorities. We will start publishing some quarterly performance data in 2016.

- *The level of awareness of the SLCC*
- *How long a case takes from start to finish*
- *Early resolution numbers (resolving at an early stage in our process)*
- *Productivity*
- *Reduced number of complaints coming to us*
- *Increased complaints resolved at 'first tier'*
- *Solicitor and client feedback questionnaires at the end of each complaint*
- *Our internal and external audit assessments*
- *Focus groups and research*
- *Readership rates of our new electronic communications*
- *'Benchmarking' surveys with consumers & the professions*
- *Staff surveys and HR indicators*
- *Press and media coverage*
- *Balanced budget*
- *Monitoring who uses our services around geography, protected characteristics, socio-economic background and other relevant factors*



WHAT OUR TEAM THINKS

All organisations like ours primarily depend on our people to deliver our services. Every colleague makes a difference, and every colleague can have an impact on how well we carry out our functions and on how consumers and lawyers believe we perform.

We wanted to share some of what they saw as important, and were excited about delivering in the future...



"I've recently started working at the SLCC, and I recognise that legal jargon can be confusing for consumers. I like that we're committing to a plain talking, robust investigative approach to our work, reducing the time that complainers and firms spend in the complaint process." - Amy



"Certain complaints can be more easily and quickly resolved without undertaking the formal process. There is a tremendous amount of job satisfaction when a complaint is resolved early. The consumer is happy, the lawyer is happy and the file is closed quickly. This allows me to spend more time on the more complex cases." - Sheena



"My aim as an investigator is always to gather in all of the relevant information as quickly and efficiently as possible, ensuring that parties are kept aware of what stage we are at and when we will be back in touch. Our new strategy regarding improving our IT systems and moving towards a paperless workplace will help this." - Ian



"In the finance team, one of the problems we face is when a company goes out of business owing compensation. The consumer is left with little or no hope of obtaining full redress. I'd like to work with the LSS and the insurers to ensure that such shortfalls are covered and there is more comprehensive cover for consumers." - Sharon



"I work in HR and I'm often the first team member potential new staff will speak to when they apply for a job at the SLCC. I'm keen to be involved in some of our key projects such as developing our HR systems and supporting our learning environment where customer service is our priority." - Sam



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