

# Final Report on Complaint Numbers and Complaint Handling amongst Scottish Legal Firms



**TNS BMRB**

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# 1. Background and Objectives

## 1.1 Survey Background

The Scottish Legal Complaints Commission (or SLCC) was created under the Legal Profession and Legal Aid (Scotland) Act 2007 (the 2007 Act), with operations started in October 2008. The organisation provides a gateway for all complaints against legal practitioners operating in Scotland. The SLCC is a neutral body and operates independently of the legal profession.

The SLCC receives complaints about the *conduct* of legal practitioners, which are referred to the appropriate professional body to investigate. Complaints about the *service* provided by legal practitioners are investigated by the SLCC. Where legal practitioners are unable to resolve complaints themselves, SLCC aims to provide an easily accessible and effective investigation and resolution service.

The SLCC has additional responsibilities; to monitor trends in practice and complaint handling and share best practice, providing guidance and giving recommendations where appropriate.

At the end of March 2012, the SLCC commissioned TNS BMRB to undertake research into the trends and practices regarding the number, the type and the handling of complaints received by Scottish legal firms and Advocates. **This report covers the findings in relation to legal firms.**

## 1.2 Research objectives

The specific objectives of the research were grouped into two distinct categories as follows:

### Statistical Information

1. To establish number and type of transactions by practice area, since 2008;
2. To establish number of complaints dealt with since 2008, by practice area;
3. To identify from where complaints originate;
4. To establish the outcome and disposal of complaints.

### Complaints handling

1. To identify management information systems in place for complaint record keeping;
2. To establish how lessons learned about complaints handling are captured and cascaded through the firm;
3. To assess how clients and others are informed about how to make a complaint;
4. To determine the type and provider of any training/guidance received on complaint handling;
5. To ascertain the appeal of different options for further support on complaint handling.

## 2. Survey Approach

### 2.1 Sample and methodology

The survey took place between 26<sup>th</sup> April and 21<sup>st</sup> May 2012. In total, **279** interviews were achieved from the 1129 legal firms listed on the SLCC's database.

The table below provides a full breakdown of the response outcomes, firstly according to the actual numbers and secondly according to the percentages across the total database. In the final column the figures are rebased according to all legal firms for whom a final outcome was established. For a small proportion of firms there was no final outcome as telephone fieldwork had to complete by a specified date: these may have yielded a telephone interview. The final column also excludes firms for which there was no valid telephone number.

**Table 1: Final Sample Outcomes**

<b>Fieldwork Outcomes</b>	<b>Total database (1129) n =</b>	<b>Total database (1129) %</b>	<b>Useable sample (917) %</b>
<b>Achieved interviews</b>	279	25	30
<b>Refused</b>	166	15	18
<b>Not available/referred/interview terminated</b>	472	42	52
<b>Deadwood (wrong numbers, bad numbers, faxes, etc.)</b>	48	4	n/a
<b>Outstanding sample available / no final outcome</b>	164	15	n/a

In order to ensure that the survey sample matched the original database in terms of firm size, broad quotas were set according to the number of partners in each firm. The quotas were based on information supplied on the SLCC database

The table below demonstrates the close match that was achieved between the survey sample according to number of partners and the profile of the original database.

**Table 2: Sample Quotas**

<b>Base: All respondents</b>	<b>Achieved sample (279) %</b>	<b>Original database (1129) %</b>
<b>1 partner</b>	51	51
<b>2 partners</b>	24	24
<b>3 partners</b>	11	10
<b>4-5 partners</b>	8	7
<b>6-9 partners</b>	4	4
<b>10+</b>	3	4

All interviews were conducted using CATI (Computer Assisted Telephone Interviewing) by specially trained interviewers in TNS' telephone centres. Interviews were undertaken with the named contact, the Client Relations Manager (CRM), where possible, or with an alternative source when this was requested by the firm.

In order to promote the survey, and to encourage a good response, all of the firms on the SLCC's original database were sent an email in advance of the survey commencing. This email summarised the aims of the research, highlighted the benefits of taking part and informed recipients that the survey would be conducted, in confidence, by TNS BMRB. The names of those who, on receipt of the email, asked not to be contacted were removed from the database prior to this being passed onto the TNS BMRB telephone unit. The sample contacts were also encouraged to complete a record sheet that was sent as a link within the email. The purpose of this was to enable respondents to have sufficient time to collect numerical information in advance of the interview, and for them to have this information to hand when taking part in the telephone survey.

The SLCC and TNS BMRB would like to thank all those who participated.

## **2.2 Statistical significance**

Given that such a good response rate was achieved the results for the total sample of 279 organisations are very accurate at the total level. In statistical terms the results are described as accurate to within +/-5% at the 95% confidence limit. In practice this means that should, for example, 50% of the total sample answer 'yes' at any particular question, the true result can be said to lie within a range of either plus 5% or minus 5% of this result – which would be 45% to 55%. Additionally as this accuracy level is set at the 95% confidence limit, this means should the same survey be conducted 100 times, then we could expect to see this same result in 95 out of the 100 surveys. The purpose of this statistic is therefore to explain the reliability of the results, and the extent to which we can feel confident in their accuracy.

It is the nature of sampling variability however that the smaller the group whose size is being estimated, the proportionately less precise that estimate is. Accordingly, when the total sample data is broken down further into sub-groups, by size, for example, the accuracy levels are lower than for the sample as a whole, particularly where the sub-group numbers less than 50. However, the good response rate, together with the similarity of the sample profile and that of the overall population gives us a high level of confidence that any disaggregated results referenced in the report are also broadly accurate.

# 3. Number of transactions and complaints

## 3.1 Sample profile: size and coverage

In the first instance the survey sought to profile the sample by establishing, firstly, the size of each firm (according to number of legal practitioners) and, secondly, the scope of each legal firm<sup>1</sup> according to the different legal practice areas worked in.

As illustrated in the table below, the number of legal practitioners employed was widely variable across the sample.

**Table 3: Size of firm by number of practitioners.**  
**Q1. How many legal practitioners work at your firm?**

<b>Base: All respondents</b>	<b>(279)</b> <b>%</b>
<b>1 practitioner</b>	33
<b>2 practitioners</b>	22
<b>3 practitioners</b>	10
<b>4 practitioners</b>	10
<b>5 practitioners</b>	6
<b>6 practitioners</b>	3
<b>7-9 practitioners</b>	5
<b>10-14 practitioners</b>	5
<b>15-19 practitioners</b>	1
<b>20-35 practitioners</b>	2
<b>36-100 practitioners</b>	1
<b>100+ practitioners</b>	1

Whilst undoubtedly the vast majority of firms are small (75% have four or less practitioners and just over half have 2 or less) 10% of firms have 10 or more legal practitioners on their staff, and three of these firms, for example, employ 100 or more legal practitioners.

For the purposes of interpreting the survey findings, where applicable and where the sample size permits (i.e. is large enough to produce sub-groups of a reasonable size), we have analysed the data according to both the number of partners, and the number of practitioners. There is of course a significant degree of correlation between these two measures.

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<sup>1</sup> Throughout this report the term 'legal firm' has been used to include all sizes/types of legal firm or partnership included within the sample.



The sub-groups used for legal practitioners are as follows:

- One practitioner,
- 2-3 practitioners ,
- 4-9 practitioners, and in some instances
- 10+ practitioners.

However it should be noted that there are only 29 of these very large firms (with 10+ practitioners) therefore the results for this sub-group need to be treated with some caution.

To gauge the breadth of legal coverage all respondents were prompted with a list of five broad practice areas and asked to indicate which areas were covered by their firms, even if only occasionally. Respondents were also given the option of specifying 'any other areas' not covered by the list. The results obtained were as follows:

**Table 4: Practice areas worked in.**

**Q2. Please can you tell me all areas that your firm covers, even if it is only occasionally?**

<b>Base: All respondents</b>	<b>(279)</b>
	<b>%</b>
<b>Executries, wills and trusts</b>	75
<b>Conveyancing</b>	74
<b>Civil (including immigration/asylum)</b>	65
<b>Commercial and company</b>	61
<b>Criminal</b>	35
<b>Other legal areas*</b>	33

Conveyancing and executries (including wills and trusts) are thus the two areas that the largest majority of firms are involved in, with each mentioned by (around) three quarters of the sample. Civil and commercial are also practice areas that many are involved in but to a slightly lesser extent, at 65% and 61% respectively. Only around a third (35%) of firms, on the other hand, work in the criminal practice area.

It is also worth noting that, following further analysis, it was clear that many of those who had specified that they worked in 'other legal areas' were referring to some legal areas that fell within one of the five the main practice areas e.g. power of attorney would fall within executries, and employment law within commercial. However as further questions needed to be asked in relation to all practice areas specified, including 'any other legal areas', no attempt has been made at the analysis stage to re-categorise these responses correctly<sup>2</sup>. This does mean however that the level of involvement in each of the five main practice areas is likely to have been slightly underestimated.

<sup>2</sup> Whilst 'back coding' some of the 'other' responses into the correct legal area at the analysis stage would have improved the accuracy of practice areas worked in, this would have led to the data regarding transactions and complaints being collected incorrectly.

As expected the range of practice areas covered increased significantly with size of firm – as indicated by the number of partners. The number of firms involved in four areas of law, for example increased from 29% amongst firms with one partner, to 53% amongst those with two, and to 78% amongst those with 3+ partners. Conversely 23% of those with a single partner dealt in only one area, compared to 5% and 4% of those with two and three partners respectively.

### **3.2 Number of transactions**

One of the primary objectives of the research was to establish whether the general decrease in the number of complaints made under the Legal Profession and Legal Aid (Scotland) Act 2007 (compared to those made in previous years under the Solicitors (Scotland) Act 1980) matched a corresponding decline in level of business across legal firms in Scotland. Accordingly all respondents were asked to state how many transactions (defined as new cases, new matters and new instructions) had been taken for each practice area across three timeframes, namely:

- 1 October 2010 to 30 September 2011 (2010/11);
- 1 October 2009 to 30 September 2010 (2009/10); and
- 1 October 2008 to 30 September 2009 (2008/09).

The information obtained on the number of transactions undertaken for each practice area is shown in tabular format, in several ways:

- The spread of answers – by banding the actual figures into ranges;
- The mean (average) number – using the actual figures and based on all those giving a response (including zero<sup>3</sup>) and,
- The total number of transactions – across all firms.

The final row of figures in each table denotes the percentage of all those working in each area who claimed that they did not know the number of transactions or, much less commonly, who refused to answer. This was recorded at a fairly consistent level across each practice area.

#### **3.2.1 Executries, wills and trusts**

Considering first the number of transactions in Executries, wills and trusts, the results obtained are shown in the table overleaf.

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<sup>3</sup> As every firm that worked in each area, even if only occasionally, was asked to specify the number of transactions across each time period, a small percentage in each instance indicated they in certain years no such transactions had been carried out. These appear against the figure '0' within the tables.

Table 5: Number of Transactions: Executries, wills and trusts.

<b>Base (for percentages): all working in Executries, wills and trusts and excluding don't knows/refused</b>	<b>2008 – 2009 (179) %</b>	<b>2009 – 2010 (181) %</b>	<b>2010 – 2011 (181) %</b>
<b>0</b>	22	14	6
<b>1 - 4</b>	6	7	5
<b>5 - 10</b>	9	10	14
<b>11 - 20</b>	10	13	14
<b>21 - 50</b>	15	16	20
<b>51 - 100</b>	19	19	18
<b>101 - 150</b>	7	8	7
<b>151 - 200</b>	3	3	5
<b>201 - 300</b>	2	1	3
<b>301 - 500</b>	4	3	3
<b>501 - 1000</b>	3	4	4
<b>1000+</b>	1	1	-
<b>MEAN (including zero)</b>	91	89	93
<b>TOTAL</b>	16,260	16,010	16,805
<b>Don't know/refused</b>	14	13	13

The key points to note from this table include:

- The number of transactions worked on ranged hugely, from less than 5 to over 1000;
- Around 60% each year have undertaken 50 or less transactions;
- The high mean number of c90 therefore reflects the very high level of transactions carried out by a few very large firms;
- Only those respondents who claimed to work in each practice area at the opening question were asked for the number of transactions carried out; the percentage claiming to have undertaken any transactions has increased from 78% in 2008/09 to 94% in 2010/11<sup>4</sup>. This pattern is evident to a greater or lesser extent across all practice areas;
- The average number and the total number of transactions fell between 2008/09 and 2009/10 but increased again in 2010/11.

<sup>4</sup> These percentages are calculated by subtracting the percentage saying zero transactions – as per the first row of figures in the table above.

### 3.2.2 Conveyancing

Looking now at Conveyancing, another area worked in by around three quarters of the sample, the number of transactions recorded across the three timelines was as follows:

Table 6: Number of transactions: Conveyancing

<b>Base(for percentages): all working in Conveyancing and excluding don't know/refused</b>	<b>2008 – 2009 (180) %</b>	<b>2009 – 2010 (182) %</b>	<b>2010 – 2011 (183) %</b>
<b>0</b>	18	13	5
<b>1 - 4</b>	-	1	4
<b>5 - 10</b>	7	5	4
<b>11 - 20</b>	3	7	8
<b>21 - 50</b>	11	10	14
<b>51 - 100</b>	17	18	19
<b>101 - 150</b>	8	9	8
<b>151 - 200</b>	8	9	10
<b>201 - 300</b>	11	11	11
<b>301 - 500</b>	9	10	9
<b>501 - 1000</b>	6	4	5
<b>1000+</b>	3	3	3
<b>MEAN (including zero)</b>	217	220	226
<b>TOTAL</b>	39,009	40,072	41,316
<b>Don't know/refused</b>	13	12	12

In terms of conveyancing transactions the key findings are as follows:

- Whilst the range of responses is similarly large, the average number of transactions is much higher for conveyancing at over 220. This is due to the sizable number working on 200+ transactions (28% in the most recent year);
- The % claiming to have carried out any transactions has increased from 82% in 2008/09 to 95% in 2010/11;
- The average number and the total number of transactions has increased slightly year on year since 2009/2009, with a slightly larger increase in total numbers occurring between 2009/10 and 2010/11;
- The median band (51-100) is also higher.

### 3.2.3 Civil

The figures for transactions in the civil practice area were as follows:

Table 7: Number of transactions: Civil Law

<b>Base: all working in Civil law and excluding don't knows/refused</b>	<b>2008 – 2009 (149) %</b>	<b>2009 – 2010 (154) %</b>	<b>2010 – 2011 (158) %</b>
<b>0</b>	23	16	6
<b>1 - 4</b>	5	5	8
<b>5 - 10</b>	5	6	7
<b>11 - 20</b>	4	5	7
<b>21 - 50</b>	13	16	16
<b>51 - 100</b>	10	12	15
<b>101 - 150</b>	8	6	9
<b>151 - 200</b>	5	6	6
<b>201 - 300</b>	8	10	8
<b>301 - 500</b>	7	7	9
<b>501 - 1000</b>	6	5	4
<b>1000+</b>	6	6	6
<b>MEAN (including zero)</b>	368	342	401
<b>TOTAL</b>	54,755	52,727	63,406
<b>Don't know/refused</b>	18	15	13

The main points to consider for civil transactions are as follows:

- If anything the range of responses is even wider for this practice area, with reasonable numbers of firms working at both ends of the spectrum, from 15% working on between 1 and 10 transactions to 10% working on 500 or more transactions;
- Reflecting this broader spectrum of responses from low to high numbers, the average number of transactions is even higher for civil at c400 in the latest year;
- As with Executries the total number of transactions has fluctuated year on year, with the latest year yielding the highest number of transactions, and the highest mean number of cases, both by considerable margins.
- More specifically, the total number of transactions has increased by over 10,500 between 2009/10 and 2010/11, equivalent to 20 percentage points. However, as shown in the final row of figures, the percentage claiming not to know the answer or who refused to answer has decreased over time (from 18% to 13% most recently). With a greater proportion of firms therefore giving a figure (and not saying 'don't know') for the number of transactions which they have carried in more recent years, an increase in the **total** number of transactions carried out by all firms is therefore to be expected year on year. Accordingly the increase in the total number of transactions per year partly reflects the higher proportion of firms answering.

- Between 2009/10 and 2010/11 the increase in the number of transactions was recorded for all sizes of firms. However reflecting the much larger volumes generally **undertaken** by firms with 10+ practitioners, **most of** the increase (78%) was derived from this group;
- Whilst more firms are involved in executries and conveyancing, civil transactions accounted for the largest proportion of all the transactions carried out by legal firms in the period 2010/11.

### 3.2.4 Commercial and company

Moving on to commercial and company, the number of transactions recorded for this practice area was as follows:

Table 8: Number of transactions: Commercial and Company

<b>Base: all working in Commercial and company and excluding don't know/refused</b>	<b>2008 - 2009 (146) %</b>	<b>2009 - 2010 (149) %</b>	<b>2010 - 2011 (150) %</b>
<b>0</b>	18	13	7
<b>1 - 4</b>	10	11	11
<b>5 - 10</b>	20	23	18
<b>11 - 20</b>	11	10	20
<b>21 - 50</b>	21	21	21
<b>51 - 100</b>	10	12	11
<b>101 - 150</b>	1	1	3
<b>151 - 200</b>	2	1	1
<b>201 - 300</b>	1	3	3
<b>301 - 500</b>	1	1	1
<b>501 - 1000</b>	1	1	1
<b>1000+</b>	2	2	2
<b>MEAN (including zero)</b>	131	134	128
<b>TOTAL</b>	19,166	20,017	19,253
<b>Don't know/refused</b>	14	12	12

The key points to note from this table include:

- The majority (c90%) have been involved in 100 or less transactions in this field, with relatively few taking on very large volumes;
- As for all practice areas though the mean number has been driven up by the high number of transactions carried out by a very small minority of firms;
- The median on the other hand is at the lower end, within a range of 11-20 transactions;
- Of most interest however are the shifts in the mean number; this increased between 2008/09 and 2009/10 but fell, to its lowest level, in the following year;
- The total number of transactions also followed this pattern: rising in the second year, but falling back in 2010/11.

### 3.3 Criminal

As outlined at the start of this section criminal law is, by comparison, practiced by far fewer legal firms in the survey sample. Trends in the number of transactions in this area were as follows:

Table 9: Number of transactions: Criminal

	<b>2008 – 2009 (82) %</b>	<b>2009 – 2010 (82) %</b>	<b>2010 – 2011 (83) %</b>
<b>Base: all working in criminal law and excluding don't knows/refused</b>			
<b>0</b>	21	17	6
<b>1 - 4</b>	1	1	5
<b>5 - 10</b>	7	7	11
<b>11 - 20</b>	5	10	7
<b>21 - 50</b>	12	9	11
<b>51 - 100</b>	7	9	14
<b>101 - 150</b>	11	12	12
<b>151 - 200</b>	10	9	8
<b>201 - 300</b>	9	9	7
<b>301 - 500</b>	10	10	10
<b>501 - 1000</b>	6	7	7
<b>1000+</b>	1	1	1
<b>MEAN (including zero)</b>	182	190	193
<b>TOTAL</b>	14,922	15,590	15,994
<b>Don't know/refused</b>	16	16	15

The key points to note from these figures are as follows:

- The number of transactions worked on is very variable with similar proportions working with low volumes (16% took on between 1 and 10 transactions in the latest year) and high volumes (18% had 300+ in the latest year);
- Year on year there has been a slight increase in both the mean number of transactions and the total number of transactions, although the size of the increase, for both measures, was lower between 2009/10 and 2010/11 than between the earlier years;
- The increase in the latest year appears to have been driven mostly by an increase in the percentage working with relatively low volumes: 16% worked on 1-10 transactions in 2010/11 compared to 8% in 2009/10. Conversely there has been little change in the number of firms working at higher volumes.
- The total percentage claiming to have worked on any new transactions year on year has increased significantly, from 79% in 2008/09 to 94% in 2009/10.

### 3.3.1 Any other legal areas

We also captured the number of legal transactions across 'any other practice areas'. The results for this category were as follows:

Table 10: Number of transactions: Other Legal areas

<b>Base: all working in any other legal areas and excluding don't knows/refused</b>	<b>2008 – 2009 (81) %</b>	<b>2009 – 2010 (81) %</b>	<b>2010 – 2011 (82) %</b>
<b>0</b>	15	11	1
<b>1 - 4</b>	5	5	6
<b>5 - 10</b>	4	4	5
<b>11 - 20</b>	11	14	15
<b>21 - 50</b>	26	28	35
<b>51 - 100</b>	19	17	17
<b>101 - 150</b>	7	7	5
<b>151 - 200</b>	1	2	4
<b>201 - 300</b>	2	4	4
<b>301 - 500</b>	6	5	5
<b>501 - 1000</b>	1	-	1
<b>1000+</b>	2	2	2
<b>MEAN (including zero)</b>	106	109	110
<b>TOTAL</b>	8,587	8,843	8,982
<b>Don't know/refused</b>	12	12	11

For all other legal areas, the key findings were:

- Around two thirds have been involved year on year in 11-100 transactions, with relatively low numbers working at higher volumes - hence the lower totals and lower means scores compared to the five main practice areas;
- The figures over the three year period have remained relatively stable, with only a slight rises evident in both the mean score and total number of transactions;
- The increase in total transactions was particularly small (139 transactions) between 2009/10 and 2010/11, despite a drop in those saying that they handled no transactions (from 11% to 1%).

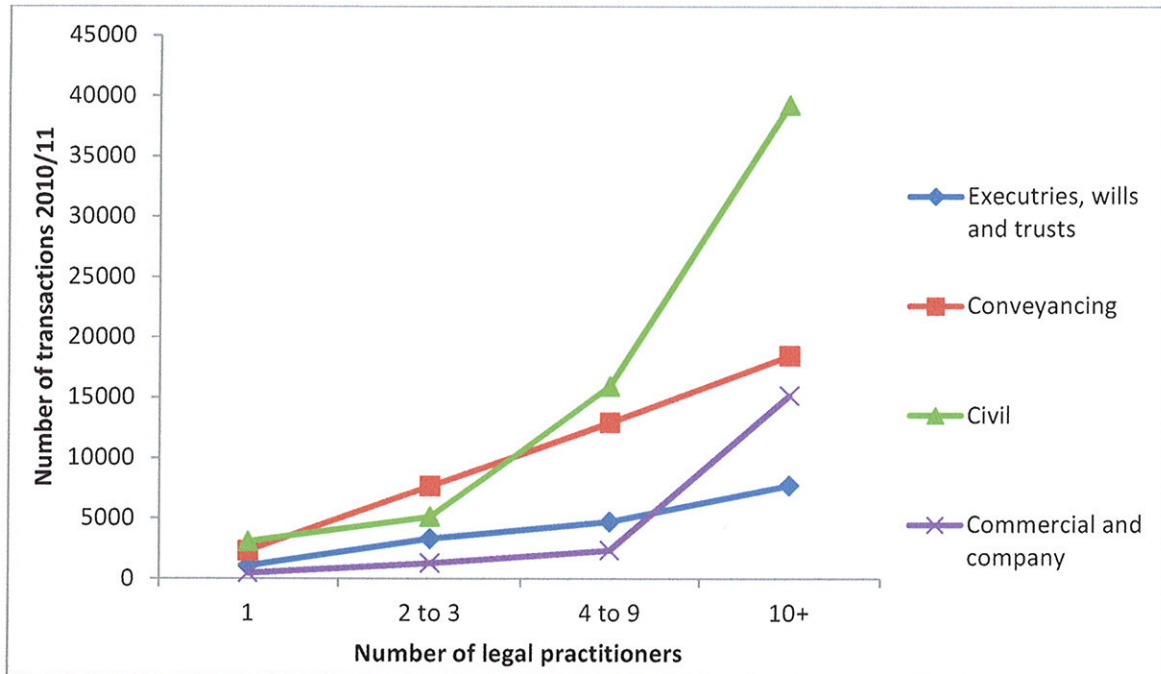
### 3.4 Overall number of transactions year on year

The volume of business undertaken in each practice area varies hugely from an **average** number of c125 in the latest year for commercial/company, for example, compared to c400 for civil. These differences are also reflected in the **total** business volumes, with the number of transactions in the latest year ranging from c16,000 in the criminal practice area to over 60,000 in the civil practice area.



Within each practice area the main driver of these measures is obviously size of legal firm. The Figure below, which is based on the number of transactions undertaken in 2010/11, clearly demonstrates the very significant impact of size of firm, as defined by number of partners, on the volume of business. A similar pattern emerges when analysed by number of legal practitioners.

**Figure 1: Number of transactions by practice area and size of firm**

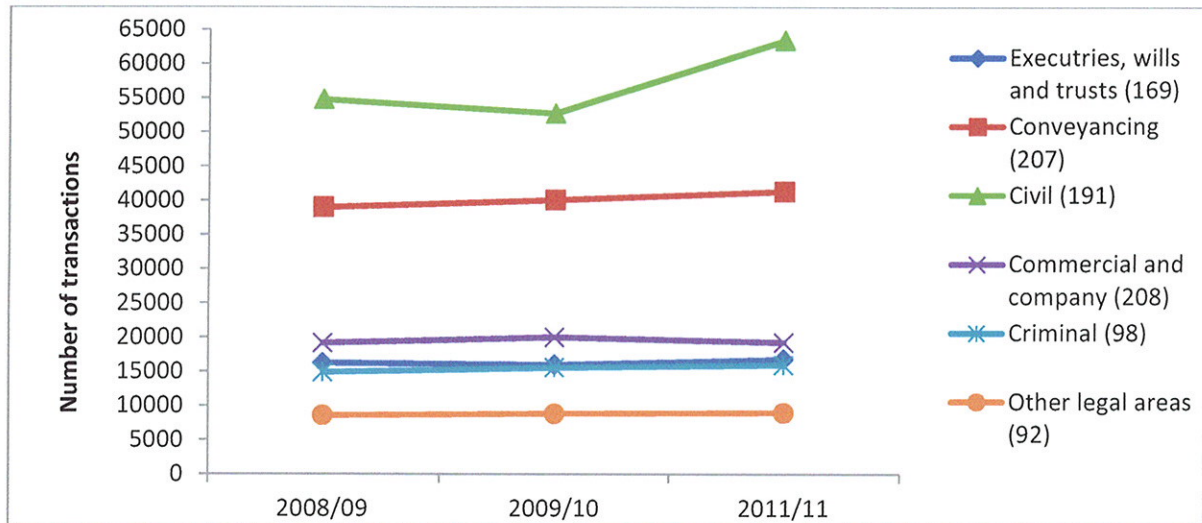


NB The number of firms with 10+ legal practitioners is relatively small across each practice area therefore these figures do need to be treated with caution. Also, the sample size was too low to analyse these findings in the criminal practice area.

### 3.5 Year on year trends

Figure 2 overleaf illustrates the trends across each practice area by showing the total number of transactions undertaken year on year.

**Figure 2: Total transactions year on year**  
**Base: All working in each practice area year on year**



Overall the number of transactions thus appears to be relatively stable for the criminal area and 'other legal areas', and also to a slightly lesser extent in the fields of commercial and executries. By contrast for the civil practice area, which accounts for the highest proportions of all transactions, there is evidence of significant growth between 2009/10 and 2010/11, following on from a slight dip in the year 2008/09.

Further detail is provided in the table below which shows the actual number of transactions by practice area, as well as the **total** number, year on year.

**Table 11: Summary: Total Number of Transactions**

Base: all respondents working in each area	2008 – 2009	2009 – 2010	2010 – 2011
<b>Civil (including immigration/asylum (191))</b>	54,755	52,727	63,406
<b>Conveyancing (207)</b>	39,009	40,072	41,316
<b>Commercial and company (208)</b>	19,166	20,017	19,253
<b>Executries, wills and trusts (169)</b>	16,260	16,010	16,805
<b>Criminal (98)</b>	14,922	15,590	15,994
<b>Other legal areas* (92)</b>	8,587	8,843	8,982
<b>ALL AREAS/TOTAL NUMBER</b>	152,699	153,259	165,756

For five out of the six areas the highest number of transactions was recorded in the most recent year (2010/11). Only commercial recorded a lower number of transactions in that year compared to 2009/10. The final row, showing the total number of transactions across all years, therefore highlights that following a fairly small level of growth (of less than one percentage point) between 2008/09 and 2009/10, there was a significant increase, of 8 percentage points, in the total number of transactions in the following year. As noted previously, this was driven mainly by the 20 percentage point increase in the number of **civil** transactions, as well as the 5 percentage point increase in the area of executries, and smaller increases in conveyancing, criminal and 'other' legal areas.

### 3.6 Complaints

Another primary objective of the research was to establish how many complaints had been received by legal firms in Scotland in the last three complete years. This information is shown below in terms of the total number of complaints received by all firms working in each practice area.

**Table 12: Summary: Number of firms**

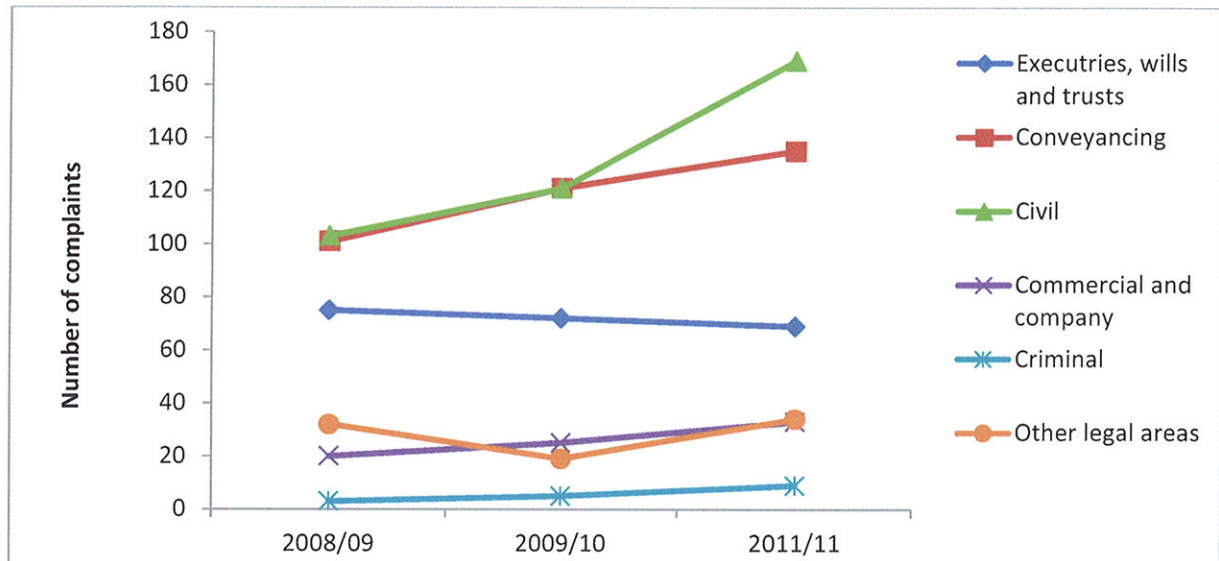
<b>Base: all respondents working in each area</b>	<b>2008 – 2009</b>	<b>2009 – 2010</b>	<b>2010 – 2011</b>
<b>Civil (191)</b>	103	121	169
<b>Conveyancing (207)</b>	101	121	135
<b>Executries, wills and trusts (208)</b>	75	72	69
<b>Commercial and company (169)</b>	20	25	33
<b>Criminal (98)</b>	3	5	9
<b>Other legal areas (92)</b>	32	19	34
<b>TOTAL COMPLAINTS</b>	334	363	449

Based on the evidence presented here the key points to note are:

- The total number of complaints has increased from 334 in 2008/09 to 449 in 2010/11;
- The practice areas accounting for the largest number of transactions, account for the largest number of complaints, namely civil and conveyancing;
- A much larger increase has occurred between 2009/10 and 2010/11 than previously – in line with the more significant growth in the number of transactions during this time;
- This latest increase is primarily driven by the rise in complaints in the civil practice area – also in line with the increased volume of business in this area.
- The criminal practice area accounts for a very small percentage of complaints in comparison to all areas, and in particular in comparison to areas such as executries and commercial which have broadly similar transaction volumes.
- Generally any legal firms receiving complaints received just one, with the vast majority receiving 3 or less. For a handful of firms where volumes of business was higher, the number of complaints reached double figures – 20 at most.

The figure overleaf summarises these same year on year trends, this time in a graphic format.

**Figure 3: Number of complaints year on year**



The lines demonstrate that of the five main practice areas, four have recorded an increase in the number of complaints, with a much steeper rise evident in civil complaints compared to other practice areas. Complaints in executries on the other hand have declined slightly, whereas the number for 'other' legal areas has fluctuated.

Interestingly though a slightly different pattern of response is evident when these same results are based on the **percentage** of firms claiming to have received any complaints, as opposed to the absolute numbers of complaints. The table below summarises this data.

**Table 13: Summary: Firms with complaints**

Base: all respondents working in each area	Legal firms receiving any complaints in...		
	2008 – 2009 %	2009 – 2010 %	2010 – 2011 %
<b>Civil (191)</b>	17	22	37
<b>Conveyancing (207)</b>	14	21	25
<b>Executries, wills and trusts (208)</b>	13	12	15
<b>Commercial and company (169)</b>	6	5	9
<b>Criminal (98)</b>	3	4	6
<b>Other legal areas (92)</b>	8	10	16

The main difference between the **percentage** of law firms receiving complaints compared to the **actual** number of complaints occurs with respect to those firms working in the area of **executries**. Whilst there has been a slight but steady decline in the actual number of complaints in executries, the figures above indicate that there has been an increase in the proportion of firms receiving any complaints. Similarly the proportion of firms working in 'other' legal areas that have received complaints has also

increased year on year despite a fall in the actual number of complaints during the year 2009/10.

Whilst the actual number of complaints received is very low in relation to the number of transactions, the results above also highlight that a significant minority of legal firms have received complaints across the different practice areas. For example, over a third of those involved in civil work received at least one complaint in this area in the previous year, and a quarter of those working in conveyancing did so. Whilst the percentages for other practice areas are much lower, they are nevertheless significant with around one in ten and around one in seven of those firms working in the commercial and executries areas respectively, claiming to have received complaints in these practice areas during the period 2010/11.

### 3.7 Transactions and Complaints Summary

The patterns and trends for transactions and complaints can be compared in several ways. Table 10 below, for example, shows the total number of complaints and the total number of transactions year on year as well as the percentage change between the time periods.

**Table 14: Percentage change year on year**

	<b>2008/09 to 2009/10 % change</b>	<b>2009/10 to 2010/11 % change</b>
<b>Total transactions</b>	+0.4	+8
<b>Total complaints</b>	+9	+24

The trends are thus the same with year on year increases recorded for transactions and complaints. Moreover for both measures the increase was considerably larger between 2009/10 and 2010/11, than previously. However in terms of the size of the shifts, the number of complaints has risen more sharply year on year than the number of transactions.

Secondly, in order to gauge those practice areas where there is higher or lower volume of complaints, the number of complaints has been calculated as a ratio of the total number of transactions and then multiplied by 100 to give an overall Index. This means that the higher the Index the higher the level of complaint in that practice area. This information is shown in the table below by practice area and by each of the three timeframes across all practice areas.

**Table 15: Complaints to Transactions Index**

<b>Base: all respondents working in each area</b>	<b>2008 – 2009</b>	<b>2009 – 2010</b>	<b>2010 – 2011</b>
<b>Executries, wills and trusts (191)</b>	0.46	0.45	0.41
<b>Conveyancing (207)</b>	0.26	0.30	0.33
<b>Civil (including immigration/asylum (208)</b>	0.19	0.23	0.27
<b>Commercial and company (169)</b>	0.10	0.12	0.17
<b>Criminal (98)</b>	0.02	0.03	0.06
<b>Other legal areas (92)</b>	0.37	0.21	0.38
<b>ALL AREAS/TOTAL NUMBER</b>	0.22	0.24	0.27

The year on year patterns are the same with executries yielding the highest complaint/transactions Index, and criminal the lowest by some considerable margin. However in contrast to the other practice areas, where the Indices show an upward shift, the Index for executries as fallen.

Overall however there has been a slight rise in the Index year on year.

## 4. Source, and resolution, of complaints

All respondents who indicated that their firm had received any complaints since 1<sup>st</sup> October 2008 were asked for follow up information on these complaints.

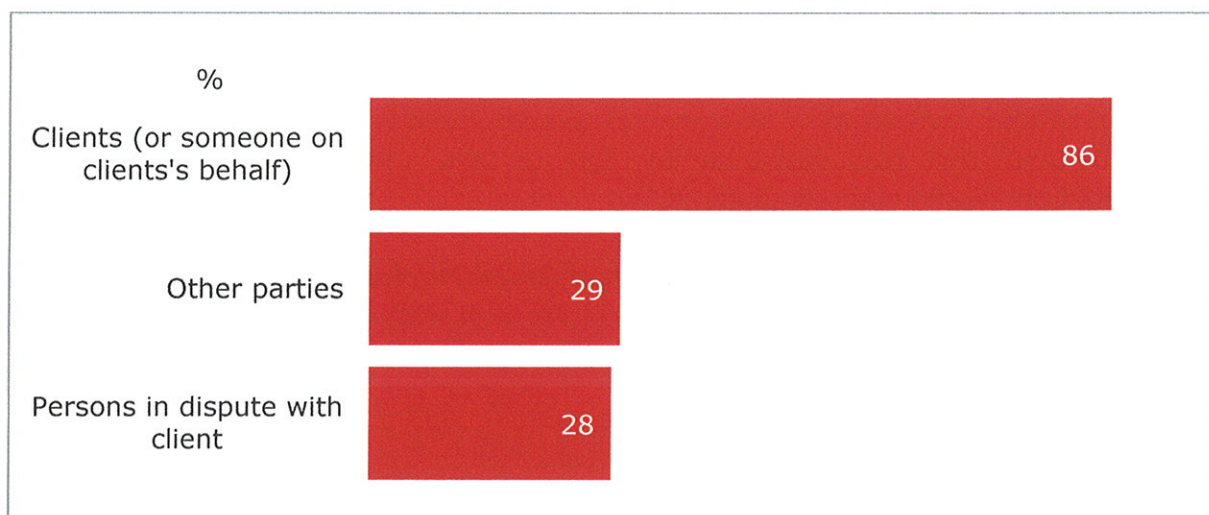
### 4.1 Source of complaint

In the first instance they were asked whether the complaints had been received from clients (or someone on clients' behalf), persons in dispute with their clients (or their solicitor) or other parties with an interest to make a complaint. The results obtained at this question were as follows:

**Figure 4: Source of complaints**

**Q5: Thinking now about all of the complaints that your firm has received since 1 October 2008, from which of the following did you receive complaints...**

**Base: All respondents receiving any complaints (140)**



On the basis of this evidence it is clear that the vast majority of complaints have been received from clients (or someone on client's behalf). Other parties and persons in dispute with clients are much less likely to raise complaints by comparison – with each of these mentioned by only just over a quarter of all those firms with any complaints since October 2008.

Amongst those who had received complaints from their clients (n= 120), slightly less than two thirds (61%) indicated that these accounted for **all** of the complaints they had received. However amongst the remainder the degree to which clients accounted for complaints varied considerably, from less than 10% to 90%. The table below shows the exact percentage of complaints received from clients, amongst all those naming clients as a source of complaint.

**Table 16: Percentage of complaints received from clients (or someone on client's behalf)**

**Q6a: Approximately what proportion of complaints were received by clients (or someone on client's behalf)?**

<b>Base: all who received any complaints from clients since October 2008</b>	<b>(120) %</b>
<b>10% or less</b>	1
<b>20%</b>	1
<b>30%</b>	3
<b>40%</b>	1
<b>50%</b>	13
<b>60%</b>	3
<b>70%</b>	3
<b>80%</b>	5
<b>90%</b>	11
<b>100%</b>	61
<b>Average Percentage</b>	86

In the main therefore clients accounted for all of the complaints received – almost three quarters of those receiving complaints from clients indicated that they accounted for at least 90% of their complaints. However, at the other end of the spectrum around one in five indicated that they accounted for 50% or less. The average percentage of complaints from clients was just under 90%.

For the small number of firms who had received complaints from persons in dispute with their client or third parties, the pattern of results was very different, as shown in the table below.

**Table 17: Percentage of complaints received from other parties and persons in dispute with client**

**Q6b: Approximately what proportion of complaints were received by other parties/person in dispute with client?**

<b>Base: all who received any complaints since October 2008 from ....</b>	<b>Other parties (41) %</b>	<b>Persons in dispute (39) %</b>
<b>10% or less</b>	27	23
<b>20%</b>	12	10
<b>30%</b>	-	15
<b>40%</b>	5	-
<b>50%</b>	22	15
<b>60%</b>	2	3
<b>70%</b>	2	-
<b>80%</b>	-	5
<b>90%</b>	-	-
<b>100%</b>	29	26
<b>Average Percentage</b>	51	49



Those who received complaints from other parties and those receiving them from persons in dispute, claimed that on average these accounted for half the complaints received. However the findings varied significantly: a quarter in each instance stated that 10% or less came from other parties or persons in dispute and likewise around a quarter claiming that **all** complaints were received from third parties or persons in dispute. The mean was c50% for each.

## 4.2 Resolution of complaints

All those who had received any complaints since October 2008 were also asked what percentage of these complaints were **resolved** (that is to say the complainer did not then make that complaint to the SLCC)? The response to this question was as follows:

**Table 18: Percentage of complaints resolved**

**Q7: Still thinking about the complaints received since 1 October 2008, what proportion did the firm resolve (i.e. the complainer did not then make that complaint to the Scottish Legal Complaints Commission)?**

<b>Base: all who received any complaints from clients since October 2008</b>	<b>(140) %</b>
<b>None</b>	34
<b>10% or less</b>	2
<b>20%</b>	1
<b>30%</b>	1
<b>40%</b>	2
<b>50%</b>	9
<b>60%</b>	2
<b>70%</b>	6
<b>80%</b>	6
<b>90%</b>	14
<b>100%</b>	22
<b>Average Percentage (including zero)</b>	51
<b>Don't know</b>	1

The pattern of response at this question was also very varied with, at one end of the spectrum, a third claiming that none were resolved and over a third at the other claiming the figure was at least 90%. Firms with 3+ partners were significantly more likely to have resolved complaints: 63% on average compared to 39% of firms with 2 partners and 45% of those with one partner.

## 4.3 Information provided when complaint not resolved.

To determine the extent of signposting when the complaint is unresolved, all those who received any complaints were asked, *"For complaints which remain unresolved, what information does the firm provide to complainers about next steps they can take regarding their complaint?"*.

The response obtained at this question was as follows:

**Figure 5: Information provided to complainers on next steps about their complaint**

**Q8: For complaints which remain unresolved, what information does the firm provide the complainers about next steps they can take regarding their complaint?**

**Base: All who received any complaints since 2008 (140)**



Whilst the majority (82%) stated that they did inform complainers that the next step should be to complain to the SLCC, not every firm did do. Specifically some 18%, nearly a fifth, did not indicate that complainers are advised to go the SLCC if the complaint is unresolved.

More than half (59%) indicated that when complaints are unresolved they advise complainers to seek alternative legal advice, with slightly fewer saying that complainers are advised to contact the Law Society<sup>5</sup> (49%). The responses from a small percentage also suggest that legal firms will continue to try to resolve the complaint internally or try to resolve through other forms of contact.

#### 4.4 Form of complaint resolution

Information was also sought regarding the methods used to achieve resolution of complaints. Specifically those who had received any complaints since October 2008, and who subsequently indicated that they had resolved any of these complaints, were asked to indicate the proportions that were resolved using five different means, namely:

- Withdrawn by complainer (as a result of discussion/agreement with complainant as complaint unfounded/resolved early)
- Resolved by any apology

<sup>5</sup> The Law Society of Scotland

- Resolved by paying compensation
- Resolved by reducing fees
- Resolved by undertaking additional work/corrective action.

The extent to which each of these has been used for complaint resolution is highlighted in the table below.

Table 19: Complaints resolved

<b>Base: all who received any complaints that were resolved (since October 2008 )</b>	<b>Methods used at all (93) %</b>	<b>Methods used in <u>all</u> cases (93) %</b>	<b>Average percentage usage (93) %</b>
<b>Withdrawn (with complainers agreement)</b>	63	18	39
<b>Resolved by apology</b>	56	8	27
<b>Resolved by reducing fees</b>	51	4	16
<b>Resolved by paying compensation</b>	43	4	13
<b>Resolved by additional work</b>	29	1	7

The figures in the first column show the extent to which each 'method' has been used (at all) by those legal firms which resolved any of their complaints. These percentages show that all five methods have been used to a reasonable extent, although only **withdrawal** was mentioned by a majority of firms (63% in total). Through an apology and by reducing fees were the next most likely methods used for resolving complaints – each of these has been employed by around a half of those resolving any complaints. Compensation payment and additional work in particular, have been used less widely.

The need to adopt a variety of methods for complaint resolution is also apparent from the results in the second column, which show the proportion of firms using **only one method**. The highest percentage was recorded for withdrawal: some 18% claimed this was how **all** of their complaints were handled. Very few on the other hand indicated that their complaints were resolved wholly by any other method.

The final column indicates the average percentage usage for each method. This is a best estimate as respondents were asked to specify the approximate percentages (using a scaled response from less than 10% to 100%, and including zero) rather than an absolute figure. This indicates that, overall, around 60% of complaints were resolved, by one of the four different means, and 40% were withdrawn.

Resolution by apology occurred on average in 27% of complaints – lower than the average recorded for 'withdrawal' but considerably higher than the figures obtained for the other possible forms of resolution, reducing fees, compensation and additional work.

## 4.5 Length of time for resolution

The 2007 Act requires a complainer to communicate the substance of their complaint to the legal practitioner and allow the practitioner a reasonable opportunity to deal with the complaint. The SLCC's Rules presently require at least 28 days to have lapsed before the SLCC will consider accepting a complaint (unless the prematurity provisions are waived).

To provide information on the extent to which firms are able to deal with complaints within this timescale, all respondents whose firm had received any complaints (since October 2008) were asked how long, on average, it takes for a complaint to be resolved. The results were as follows:

**Table 20: Average number of weeks taken for complaints to be resolved**  
**Q10: On average, how many weeks does it take for complaints to be resolved?**

<b>Base: all who received any complaints from clients since October 2008 (n= 140)</b>	<b>All asked (140) %</b>	<b>All answering (102) %</b>
<b>1 week</b>	1	2
<b>2-3 weeks</b>	14	19
<b>4 weeks</b>	16	23
<b>5-6 weeks</b>	7	10
<b>7-8 weeks</b>	10	14
<b>9-12 weeks</b>	6	9
<b>13-16 weeks</b>	1	2
<b>19-20 weeks</b>	4	5
<b>21-30 weeks</b>	6	8
<b>31-40 weeks</b>	4	5
<b>41-52 weeks</b>	3	4
<b>52+ weeks</b>	1	2
<b>Average No. of weeks</b>	13	13
<b>Don't know</b>	27	n/a

The results indicate that the average length of time taken was 13 weeks, which reflects the very long timeframes mentioned by some firms. However, the length of time taken to resolve complaints is clearly very varied, ranging from just one week to over a year. Additionally a quarter of those asked were not able to give a response to this question. The high level of don't knows may partly be explained by the difficulty of assigning an average length. As noted earlier in the report the number of complaints recorded per firm is generally very low, thus perhaps making it difficult to assign an average length. Secondly, the variable nature of the time required, from one week to over 52 weeks, is also likely to have made it difficult for some to calculate an average.

A truer picture of the spread of different response is obtained by removing those who did not answer and by calculating the percentage of based only those who gave an answer. These are the figures shown in the second column of the table above. On this basis some 44% of firms indicated that complaints were generally resolved within 4 weeks or

less, with a further quarter indicating that it took some 6-8 weeks to resolve complaints. At the other end of the scale, just over 10% indicated that complaints took 30 weeks or longer to resolve.

## 5. Complaint record keeping and information/guidance

The final section of the survey questionnaire sought to inform the SLCC on current practices with regard to record keeping and information, and guidance on complaint handling. This section was asked of all respondents representing legal firms. However where there are differences in the responses of those who had any complaints and those who had none these results have been shown or referenced separately.

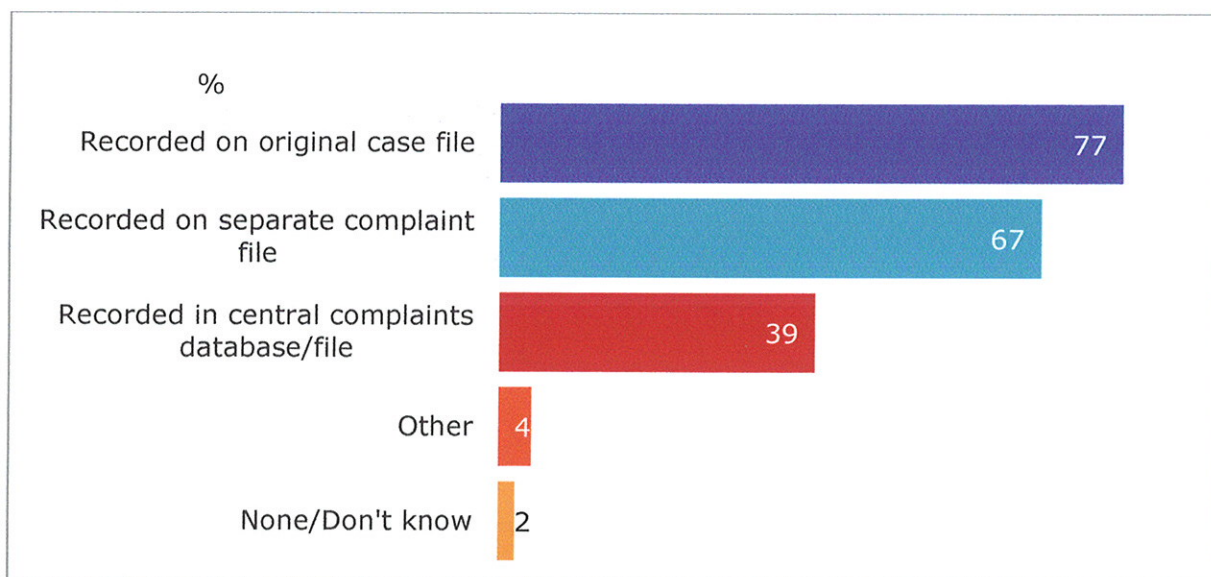
### 5.1 Methods used to record complaints

Information was obtained on the methods which are used to record complaints by asking all respondents to indicate which, if any, of three options were used for this purpose. The results obtained are shown in the figure below.

**Figure 6: Methods used to record complaints**

**Q11a: Which of the following, if any, does your firm do to record complaints that they may receive?**

**Base: All respondents (279)**



The overwhelming majority (98%) indicated that they had at least one method of recording complaints received. Indeed many had more than one, with three quarters claiming to use the original case file, and two thirds, a separate complaint file, for this purpose. Substantially fewer, although still a reasonable number, indicated that they recorded complaints on a central file.

Amongst firms who had received any complaints since 2008 usage of a separate complaint file and a central database was slightly higher although not significantly so.

## 5.2 Person(s) in firm who deal with complaints

For most legal firms there is more than one person who deals with complaints. This is most likely to be the partner/director – some 73% of the sample gave this response when asked who deals with complaints. The designated CRM is widely used, but not universally, by a slightly smaller percentage, at 66%. Additionally just under one in five (18%) claimed that someone else was involved in dealing with complaints, although this 'other person's' involvement is nearly always in addition to that of the CRM and/or Partner.

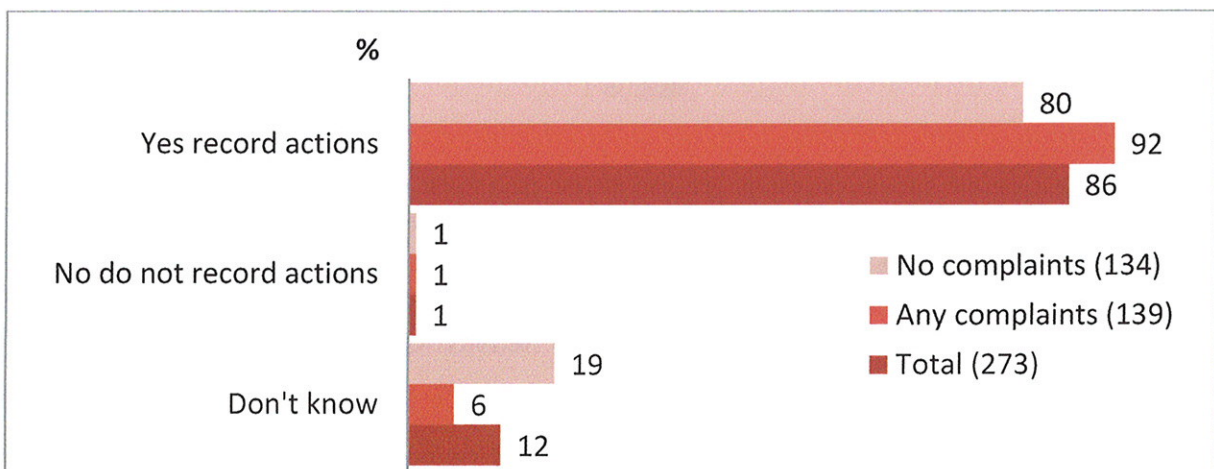
Those firms who had received any complaints since 2008 were significantly more likely to name the CRM than those who have had no complaints in that time (74% versus 58% respectively) whereas the converse applied for naming the partner/director (67% versus 78%). Additionally those with any complaints were much more likely to indicate that someone else would also deal with complaints (26% versus 9%).

## 5.3 Record keeping of actions/information provided on unresolved complaints

Where complaints are not resolved the vast majority stated that their record keeping includes notice of actions taken/information provided to the complainer. Not all firms however were able to provide an answer – some 12% did not know.

Figure 7 below illustrates that a non-response appears to be more indicative of a lack of experience or opportunity to undertake this type of record keeping rather than any omission within the quality or comprehensiveness of their record keeping.

**Figure 7: Whether record keeping occurs where complaint not resolved**  
**Q11b: Does this record keeping include recording of actions taken or information provided when the complaint is not resolved by the firm?**  
**Base: All recording complaints (273 respondents)**



Thus only a handful of firms claimed not to record any actions when cases were unresolved, and a lack of knowledge of what actions were taken for unresolved cases was largely driven by those who had previously not claimed to have any complaints within previous three years or so.

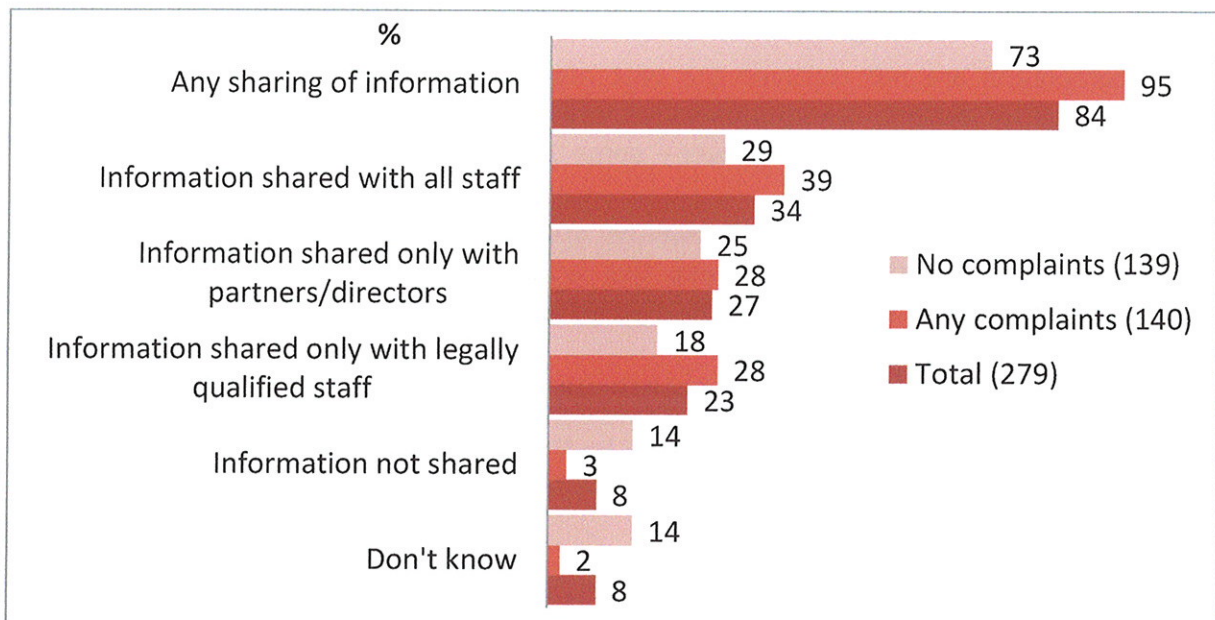
Moreover amongst those responding positively their answer was predominantly 'yes always' as opposed to 'yes sometimes' (83% and 3% respectively).

## 5.4 The sharing of information within firms

A similarly positive pattern of response was obtained when respondents were asked about the ways in which the firm shared information about complaints and how they had been disposed of. Also, as noted above, those not responding positively tended to be those who had never had a complaint in the last 3 years or so. The full results to the question "In what way, if at all, does your firm share information about complaints and how they have been disposed of?" were as follows:

**Figure 8: Ways in which lessons/outcomes on complaints are shared within firms**

**Q13: Some firms will disseminate lessons/outcomes from complaints they have received to others within the firm, while other firms do not. In what way, if at all, does your firm share information about complaints and how they have been disposed of?**  
**Base: All respondents (279)**



Amongst the overall survey sample around three quarters claimed to share information on complaints and their disposal, increasing to 95% amongst those who had received any complaints within the past three years or so. However there is very little consensus on how such information is shared internally with substantial minorities each claiming to share this information with all staff, with only legally qualified staff and with only partners/directors.

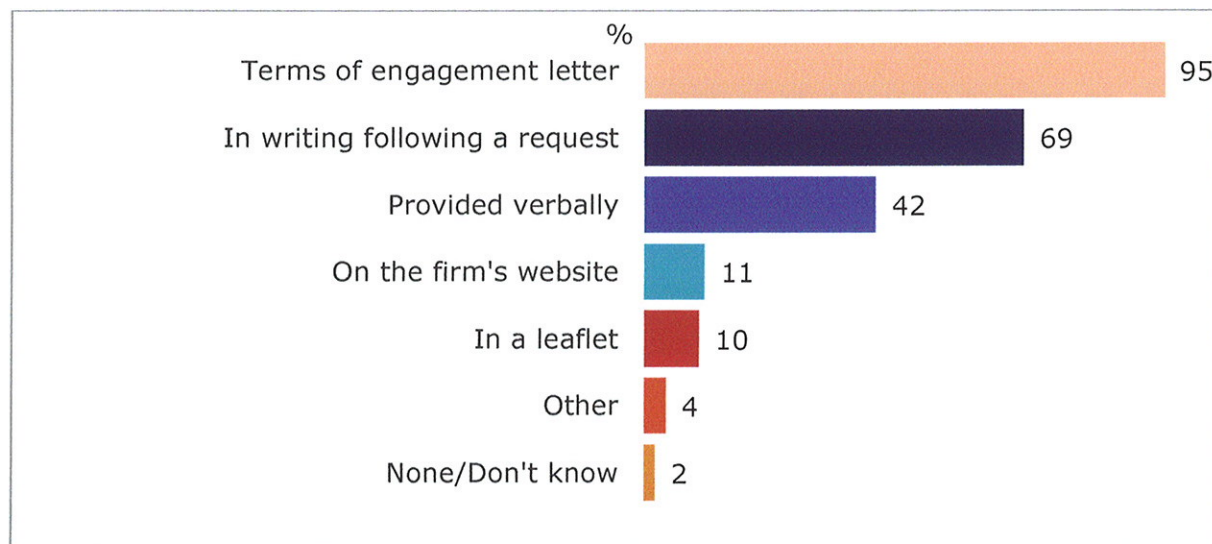
For firms who have not had complaints the pattern of response is very similar to that of those firms who have handled complaints – the main difference being a much higher level of 'don't know', reflecting arguably their lack of experience with this process.



## 5.5 Information provision to complainers

The survey also sought to establish the different means used by legal firms to provide information about the complaints procedure. When asked which of five possible ways, if any, they used the response was follows:

**Figure 9: Ways in which information is provided on complaints procedures**  
**Q14: In which of the following ways, if any, do you provide information to complainers about your complaint procedures?**  
Base: All respondents (279)



Information on the complaints procedure is most commonly provided to complainers within the terms of the engagement letter. Some 95% of firms claimed that this was the approach they used. A fairly large majority (69%) also provide this information in writing when requested. Verbal communication is used less commonly, by around four in ten, but by a sizeable minority nevertheless. By comparison usage of leaflets and websites is much less common with each of these mentioned by 11% and 10% respectively.

On average legal firms therefore use 2.3 methods, although this does increase with size of firm, from 2.0 for the smallest to 2.7 for the largest firms (those with 5+ practitioners). Accordingly there is also a statistically significant difference in the mean number of sources used between those who have received any complaints (2.5) and those that have received no complaints (2.2).

## 5.6 Formal documented process for dealing with complaints

Interestingly the survey sample was completely split in terms of whether or not they have a documented formal process setting out how the firm deals with complaints. Specifically, 49% indicated that they had this set up, compared to 48% saying they did not. The remaining 3% were unsure either way.

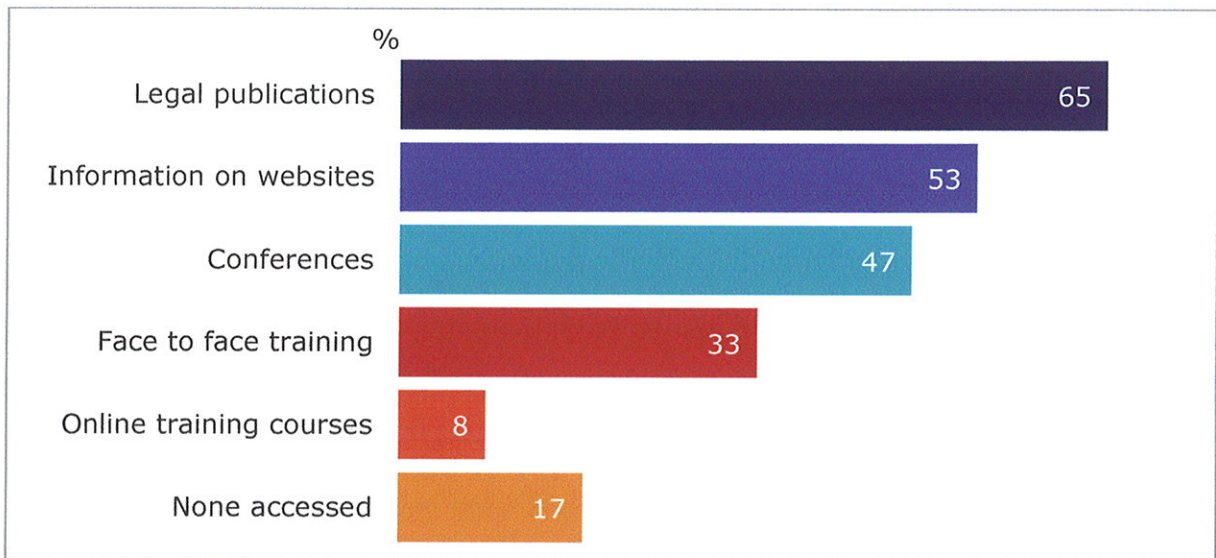
Once again experience of complaints had a major influence on the response, with 56% of those having had a complaint saying that they did have a formal documented procedure in place compared to 42% of those firms which have not had any complaints.

### 5.7 Training and guidance on complaints

Information was also sought to inform the SLCC’s strategy on training and guidance on complaint handling amongst the legal profession.

In the first instance respondents were asked to indicate from which sources, if any, they had accessed information, training or guidance, and the results obtained were as follows:

**Figure 10: Ways in which information, training and guidance has been accessed Q16. Have you accessed information, training or guidance on complaint handling via any of the following places?  
Base: All respondents (279)**



Just over 80% of the sample indicated that they had accessed such information/training/guidance, with legal publications emerging as the most popular form of this. This was mentioned by around two thirds of the sample, compared to around half claiming to have used information on websites and conferences (53% and 47% respectively), the next most ‘popular’ responses. Fewer by comparison have attended training courses: 37% in total have done so, with most of this group (33% in total) doing so face to face rather than online (8% in total).

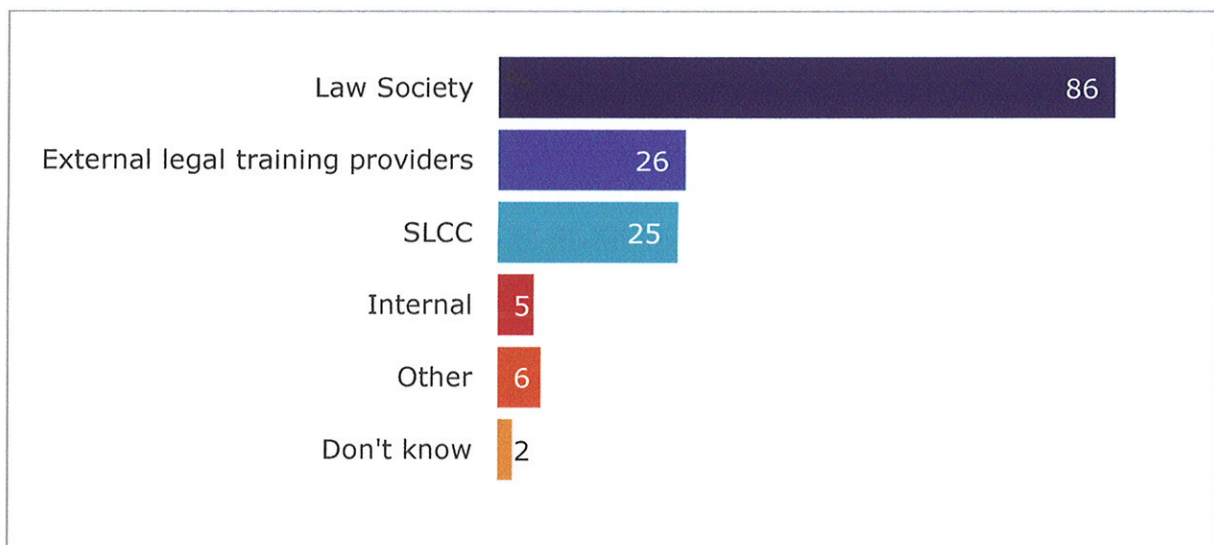
For the majority of those who have accessed any training or guidance the Law Society of Scotland has been the main provider. Whilst the SLCC was cited as a source, they emerge as a secondary provider by comparison, as do other external legal providers.

The figure below shows the full results when respondents were asked who provided the guidance/training they had received on complaints.

### Figure 11: Providers of complaint handling training

Q17. And who provided this training or guidance?

Base: All who accessed information, training or guidance on complaint handling. (230)



The majority of those accessing support have obtained this through the Law Society of Scotland (86%). Other providers, such as external legal providers and the SLCC are used much less by comparison, although by reasonable minorities. A small percentage (5%) also indicated that this support was provided in-house, through internal means.

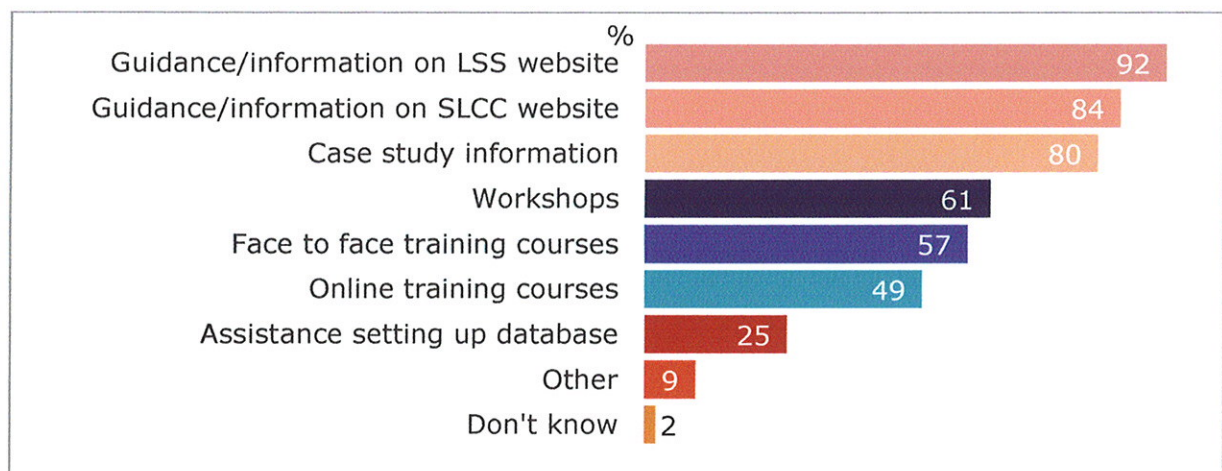
## 5.8 Interest in other forms of support

The SLCC also wished to obtain information on the relative appeal of different forms of training and guidance on complaint handling. Respondents were therefore asked to specify, from a list, those options which they would find useful in relation to complaint handling. The results obtained are shown in Figure 9 below.

### Figure 12: Appeal of different forms of training/guidance

Q18: Which of the following, if any, would you find useful in relation to complaint handling?

Base: All respondents (279)



At a glance it is evident that the provision of information on websites was most likely to be considered a useful way of sharing information with legal firms. In total some 95% mentioned either the SLCC or LSS website, with the latter achieving a marginally higher level of appeal (92% vs. 84%). The other method that found widespread appeal was via case studies – which 80% claimed to find a useful approach.

Far fewer by comparison indicated that either workshops or face to face training courses would be useful, although a slight majority did endorse each of these nevertheless (61% and 57% respectively). Online training provision emerged as slightly less popular than either of these (at 49%) whereas assistance in setting up a database appealed to a considerably smaller proportion (25%).

Although it is perhaps not surprising it is worth noting that larger legal firms (with 3+ partners) were generally more likely to endorse a wider range of methods than the smallest firms (with a single partner). In particular larger firms were significantly more likely to find face to face training courses, workshops and guidance on the SLCC website, more appealing.

## **6. Conclusions**

### **6.1 Number of transactions and of complaints**

At the total level the number of transactions has increased year on year, and especially in the period 2010/11. This pattern is in line with the greater proportion of firms claiming to have handled any transactions across the practice areas in which they work—suggesting an increasing degree of diversification amongst legal firms.

The level of growth in transactions is variable by practice area, and indeed in one area, commercial and company, the number of transactions has fallen. The largest increase, by some margin, was recorded for the civil practice area.

The level of complaints was very low, at just 0.27% of all transactions in 2010/11. However, this too has increased, and also more so in the most recent year. Most complaints occurred in relation to civil work and conveyancing, reflecting the high volume of transactions in these areas. That said, the ratio of complaints to transaction was highest for executries (wills and trusts). Interestingly though, the ratio for executries has fallen whereas in all other areas it has increased year on year.

The huge diversity in size of legal firm, and hence the number of transactions handled, as well as the very low number of complaints, means that, at this stage, it is impossible to state with any degree of certainty that the number of transactions correlates with the number of complaints. Nevertheless the evidence indicates that both of these have increased since October 2008.

### **6.2 Source, and resolution, of complaints**

Generally the client (or someone on the client's behalf) is the source of the complaint, with complaints from other parties or persons in dispute with the client much less likely. Most firms also indicated that they advise complainers to go to the SLCC when complaints are not resolved. There was however much less consensus with regard to whether or not complaints are resolved, with equal proportions claiming the complaint(s) was resolved/was not resolved.

Resolution is achieved in a variety of ways, although more so by withdrawal than by any other method. When complaints are not withdrawn resolution is more likely to occur via an apology than by any financial or service related means – although the latter are not unknown. The length of time it takes to find resolution is however very variable – on average it takes 13 weeks. Moreover less than half the sample achieved resolution within the 28 days, which is required under the prematurity provisions.

### **6.3 Complaint record keeping**

Under the Law Society of Scotland Practice Rules 2011, legal firms are required to hold a central complaints database. However, the findings indicate that whilst almost all firms have some form of record keeping in place, the most common mechanism, used by around three quarters of legal firms in the sample, involves recording the complaints on the original case file.

Likewise for almost all firms this includes noting actions taken when a complaint is not resolved – any evidence to the contrary would appear to stem from a lack of experience in handling complaints

Conversely there was a lack of consensus in terms of whether or not firms had a formal documentation process on how to deal with complaints, with the sample split equally between those that indicated they did and those that did not. However firms which had received any complaints were more likely to fall into the former category suggesting experience of a complaint prompts firms to put formal processes in place.

Legal firms also vary in terms of how they cascade any lessons/outcomes from complaints: the majority, but by no means all, share this type of information but some firms limit this to legal staff and others limit it to partners/directors.

### **6.4 Complaint handling guidance**

Finally, training/guidance/information on complaint handling appears to be widespread, primarily from the Law Society, with legal publications the most widely used source. Websites and conferences have also played a role in this – more so than training courses, and in particular online training which few have utilised. Websites also emerge as the most appealing form of any future support, by some margin, with the Law Society's website slightly more popular for this purpose than that of the SLCC. Many legal firms would also find case study information useful in relation to complaint handling.