



## THE FACULTY OF ADVOCATES

### *Complaints Process: A Practical Guide*

#### **Purpose**

The Faculty operates a process for complaints handling, which is intended to be simple, fair and efficient.



#### **What we can do**

- Complaints should be raised with the Advocate in the first instance to allow an opportunity for informal resolution. Advocates contact details can be found on our website [www.advocates.org.uk](http://www.advocates.org.uk)
- If not resolved informally, all complaints against legal professionals in Scotland should be sent to the Scottish Legal Complaints Commission (SLCC).
- The SLCC will consider the complaint and send eligible conduct complaints against Advocates to the Faculty for investigation and determination.
- Complaints relating to the service provided by an Advocate are investigated and determined by the SLCC.
- The Faculty can look only at the complaint that the SLCC has sent to us.

#### **Communication**

- The administration of a complaint will usually be done via email.
- The Faculty will keep you updated on the progress of the complaint.
- Documents relevant to a complaint will be cross-copied between the complainer and the Advocate unless there is good reason not to do so. A claim that documents are confidential, or where there is insufficient time, might be a reason not to cross-copy documents.

#### **The Role of the Complainer**

- A complaint must be proved beyond reasonable doubt. It is important that the complainer provides the SLCC and the Faculty with full information regarding the complaint at the outset.
- The Faculty may ask the complainer and/or the Advocate for further comments or information.
- In some cases an investigating committee may be appointed, and the role of the complainer may be as a witness.
- In some serious cases, or on appeal, a complaint may be remitted to the Disciplinary Tribunal, and the complainer's role will be as a witness.

## Complaints Committee Meetings

- Normally, meetings of the Complaints Committee will take place in private. Neither the complainer nor the Advocate will be present.
- Normally, representations to the Complaints Committee will be in writing.
- All papers provided to the Faculty from the complainer, and from the Advocate will be provided to all members of the Complaints Committee for their consideration before they meet.



- Thereafter, the Advocate will be given an opportunity to comment before any penalty is imposed.

## After the decision

- If the complainer is dissatisfied with the Complaints Committee's decision, it may be possible to appeal.
- The permission of the Complaints Committee is required before any appeal can proceed. Permission will be given only where it can be shown an appeal has a real prospect of success or there is another compelling reason to do so.
- If you are dissatisfied with Faculty's handling of the complaint you can raise that with the SLCC

## Determination of complaints

- The Complaints Committee will consider the complaint and decide whether Professional Misconduct or Unsatisfactory Professional Conduct has been proved. If this has not been proved the complaint will be dismissed.
- The Complaints Committee will issue its decision in writing and will provide reasons for its decision.
- The complaint may be remitted to the Disciplinary Tribunal if it is appropriate to do so. That may be because it is serious or if an appeal is made.

## Contact Details

- If you require assistance or further explanation of any part of the Faculty's complaints process, please contact: [complaints@advocates.org.uk](mailto:complaints@advocates.org.uk)
- The SLCC's contact details can be accessed here – <https://www.scottishlegalcomplaints.org.uk/>

## Penalties

- If a complaint is upheld as Professional Misconduct or Unsatisfactory Professional Conduct and a penalty is to be imposed, the complainer will be asked to comment on the consequences of counsel's conduct for the complainer.