Submission from Mr W G Peareth on behalf of Sandra Savin for the Legal Profession and Legal Aid (Scotland) Bill

- The above mentioned persons fully support the establishment of a new SLCC. It is considered of the utmost importance to remove every vestige of Law Society involvement in complaints subsequent to failure by solicitors to settle disputes with dissatisfied clients at source. Greater encouragement, by way of robust penalties, should be highlighted to solicitors within reformed regulations.

- It is now manifestly desirable for an SLCC to take over responsibilities for handling complaints of IPS, Negligence and Misconduct by which each category is not made an issue of dispute due to hair-splitting definitions.

- The role of the SLSO in its present form is obstructive to complainants. Its limitations of power are universally decried. Unless it could have been reinforced substantially, up to the envisaged authority of SLCC, then SLSO is obsolete.

- The level of compensation maximum is significantly desirable if set at £20,000. That level would continue to fall short of FSO limits but is, nonetheless, a welcome enhancement. Negligence issues beyond the proposed figure would then need to be considered in a different light but with the proviso that clients damaged by solicitor negligence are not subjected to the excruciating prospect of hiring a new solicitor to sue a ‘colleague’.

- It is not desirable for issues of professional discipline to remain exclusively with the legal professional bodies and tribunals unless SLCC wields sufficient independence and power to override, in totality, earlier (and weaker) adjudication.

- The formation and independent function of an SLCC must at all times demonstrate transparency and safety from Law Society influence.

- The description of the current procedures for handling complaints, as set out in the consultation phase of RCH – BCC, is faulty. By practical experience the role of reporters utilised by Client Relations Office of the Scottish Law Society is not described within that publication. The element of anonymity is deeply suspicious. The reporter role may result in a favourable decision from a complainant’s perception but a derisory level of compensation proposed by the reporter is bound to risk rejection on that point alone. The CRC is then free to overturn the findings of the reporter in totality. Furthermore the constitution of a CRC is specifically defined as 50/50 in the discussion phase of proposed reform but the Law Society of Scotland does not follow this ‘ruling’ nor will it explain why it acts in that way. The Legal Services Policy Team at SE Justice Department are not able to explain this omission from RCH – BCC.