

The Solicitors (Scotland) Act 1980 requires that Tribunal decisions are published and are made available by the Law Society of Scotland for public inspection on request. As a service to the public and the profession, the Tribunal also publishes its decisions on its website after the conclusion of any appeal, or if there has not been any appeal, at the end of the appeal period.

Having regard to the principles of proportionality, accountability, consistency and transparency, the Tribunal has produced this judgement publication policy to explain how it will deal with publication of decisions on its website. This policy will come into operation at the same time as the Tribunal's new procedural rules (1 September 2024).

Publishing decisions is part of the Tribunal's commitment to open justice. It helps to ensure that the Tribunal's processes are transparent. The content of decisions informs and educates users of legal services, the public and the profession. Publication demonstrates that the Tribunal's powers are being exercised proportionately and consistently, and that the Tribunal is accountable for its decisions. Inclusion of older decisions on a public website may not always serve those aims. Continuing publicity may have a disproportionately negative effect on those named in the decision when compared to any benefit to the public or profession. This policy therefore provides a balanced approach to making decisions available via the Tribunal website.

Decisions which are not available on the Tribunal website, and where the Tribunal has ordered publicity, will continue to be made available on request to the Tribunal Office. Contact details for the Tribunal Office are available on the Tribunal website. This policy only relates to continuing publication of the decisions on the Tribunal website.

As is currently the case, decisions will not be published on the website until the expiry of the appeal period, or any appeal has concluded.

If a request is received, supported by relevant documentation, to remove a decision from the website on the basis that a practitioner is deceased, the Tribunal will grant the request unless it

considers there to be a continuing public interest in the decision remaining on the website. Any other requests for removal will be considered on a case-by-case basis.

Decisions will be available on the Tribunal's website as follows:

Struck Off the Roll / Prohibit Restoration to the Roll

Decisions where the practitioner was struck off the roll, or where their registration was revoked, or where restoration of their name to the roll was prohibited, will remain on the website indefinitely. If the practitioner is restored to the roll, the decision containing the order for strike off and the decision restoring the practitioner to the roll will remain on the website for five years from publication of the decision to restore.

Incorporated Practices

Decisions where recognition of an incorporated practice has been revoked will remain on the website indefinitely.

Suspension

Decisions where a period of suspension was imposed will remain on the website for 10 years.

All Other Cases

Decisions involving all other cases will remain on the website for 5 years. This includes, but is not limited to: complaints where a sanction other than strike off/prohibition of restoration is employed, all appeals and applications cases, and decisions where the Respondent was found not guilty.

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