
Legal Ombudsman response to consultation feedback

The Legal Ombudsman's key task is to successfully resolve complaints and we aim to do this in a fair manner. Our vision is that "Everyone can access legal services in which they can have confidence." One of the indices of confidence in public organisations is that they demonstrate fairness and integrity. The Legal Ombudsman vision will only be achieved if service users can have confidence that we will deal with them fairly and that our decision making will be transparent. In doing so, the Legal Ombudsman (LeO) is committed to valuing diversity and promoting equality, and to ensuring that our policies, procedures and practices are fair, objective, transparent and free from unlawful discrimination.

We published our draft 'equality priorities and objectives' in November 2010 for a three month consultation period. We hosted the consultation document on our website and alerted professional bodies and equality groups, inviting them to comment on the proposals. In addition to receiving written responses to the consultation, we asked stakeholders to attend a discussion group.

The Legal Ombudsman is grateful for all consultation responses received. These have provided an invaluable input into the final equality priorities and objectives.

A list of those people and organisations who submitted responses is attached as **Annex A**.

The responses we received are attached at **Annex B**.

The responses received and our reply will be published on our website www.legalombudsman.org.uk.

Our priorities and objectives are accompanied by a one year action plan, which sets out the key actions we will take in order to embed equality and diversity in our work. The action plan is attached at **Annex C**.

This paper outlines the feedback we received and our response.

Q1. Do you agree with our overall approach to equality and human rights? Do you think we have missed anything?

Generally, respondents were in agreement with our overall approach to equality, diversity and human rights. One respondent indicated that we should take into account socio-economic factors which result in socio-economic disadvantage to our complainants.

The Legal Ombudsman does not currently monitor social exclusion indicators (social class, education, income, etc.). We understand that, in order to develop policies that recognise, understand and respond to the needs of the diverse communities we service, it is essential that we consider socio-economic factors and disadvantage in the work that we do.

We are keen to develop our thinking in this area, learn from good practice, and better understand the link between access to justice and social exclusion.

We will clearly state in our revised 'equality objectives and priorities' our desire to go further than mere legal compliance, and balance priorities in this area in a practical and proportionate manner.

We agree with the views of stakeholders that we should be clear about our plans for the future and commit to re-visiting this area of work this year, as part of reviewing our strategy for 2012.

Q2. Is it clear what we are trying to achieve? Which areas, if any, do you believe need further clarification?

Respondents requested a greater level of detail within our priorities and objectives on engagement and consultation. Clarity was also requested on the newer positive action provisions and our approach to procurement.

We will include further detail on engagement and consultation work and procurement, as per the details outlined in Q7 and Q16 .

With regard to the newer positive action provisions, we will be actively considering the implications of this provision in employment and promotion opportunities in the next few months and will be happy to share this with interested parties.

Q3. Do you have any other thoughts on ways of ensuring our accountability, accessibility and responsiveness to equality groups?

We agree with the views of respondents and understand that we should engage directly with stakeholders and be transparent about our equality and diversity work. Our accessibility will be enhanced by the use of plain English and ensuring that the necessary access arrangements and reasonable adjustments are made.

We provide detail on our engagement proposals in our responses to Q7 and further detail on our approach to accountability in Q10.

Q4. Do you have any other comments you wish to make?

Respondents were keen to hear of our plans to work in partnership with the Solicitors Regulation Authority (SRA), the BSB, and other approved regulators to further our work around equality and diversity.

Our Stakeholder Strategy identifies the desire to develop strong partnerships with key professional bodies. We also recognise the need to create links with other diverse partners to progress our equality agenda.

Examples of proposed partnership work include the following:

- we will utilise the regulators and membership bodies to ensure we are communicating effectively in vehicles such as newsletters, opinion pieces, research publications, case studies and magazine interviews to communicate with the profession and its users;
- we will support any specific initiatives that key stakeholders have to support improvement in customer service, complaint handling, and equality and diversity;
- we will use existing research data and input into the work that other organisations are carrying out to capture new equality and diversity related data on legal service users.

Respondents stated that the Legal Ombudsman should not reinvent the wheel but learn from good practice and existing research undertaken by professional bodies and equality group organisations. Respondents identified much scope for partnership approach in various areas, such as:

- Signposting
- Communications
- Complaints analysis (risks and concerns)
- Training
- Consulting and engaging

- Performance monitoring
- Research
- Procurement

Respondents stated they would welcome the supporting action plan that would help give the equality priorities and objectives greater context and meaning.

We will publish the revised equality priorities and objectives on our website.

Q5. We would welcome your views on the proposed integration of human rights within our equality priorities and objectives.

The majority of respondents welcomed our approach to integrating human rights within our work on equality.

We will be handling complaints with human rights implications. Human rights will therefore be built into our equality priorities and objectives. This means going beyond anti-discrimination to encompass fairness of treatment, dignity, respect and access to all the fundamental rights which enable people to play their part in society. A focus on human rights will be intrinsic to our approach on equality and diversity.

Many stakeholders, however, argued that the equality priorities should refer to 'promoting' human rights and not just 'refraining' from breaching these.

In our revised 'equality objectives and priorities' we will clearly state our desire to go further than mere legal compliance and balance priorities in this area in a practical and proportionate manner.

Q6. Do you agree with our approach to equality impact assessment? If not, can you suggest what we might do differently?

The responses we received indicated that stakeholders believed our overall approach to equality impact assessments was acceptable.

Respondents stated the need to avoid making value based judgements and to ensure that evidence and research already undertaken by approved regulators and representative bodies was taken note of.

We will use the process of equality impact assessments to continue the process of embedding equalities into business areas and processes. We remain fully committed to embedding equalities within our policies and

practices and are keen to build on evidence and research already available.

Q7. What specific suggestions do you have to help us improve the ways in which we consult with, and learn from, stakeholder groups?

Respondents requested further detail in our proposals on our approach to consultation and engagement with key stakeholders.

This has been taken on board and we have included further detail in our equality priorities and objectives.

We are finalising our Stakeholder Strategy, which will focus on our consultation and engagement activity. Activities that will support our equality and diversity commitment will include the following:

- Work with Citizens Advice (CAB) to enable distribution of our leaflets to individual branches, and attend and exhibit at the CAB annual national conference.
- Attempt to reach out to 'hard to reach' communities and other groups who cater for the needs of minority groups and potentially vulnerable users of legal services.
- Work with key representative and equality groups to raise awareness of how our works fits alongside the job of the regulators.
- Identify a range of external groups who cater for diverse users of the legal profession to involve them in policy consultation. We have established a Stakeholder Advisory Panel, which includes representatives from key legal and consumer groups. The first meeting took place on 14 April 2011.
- Monitor the take-up of consultation and engagement opportunities and use this learning to improve the way we work with diverse communities.
- Develop a Legal Ombudsman approach to social media to help us raise awareness with different groups in addition to our work using traditional awareness raising methods
- We have a genuine commitment to engagement. We are collecting data on customers that use our services and developing a customer satisfaction survey. The results of these will inform the positive action strategies and shape the kind of engagement activity we will need to deliver. We will integrate the outcomes of the engagement activity into our decision-making.

Q8. Do you have any comments on our approach to impact monitoring?

Respondents stated our approach was reasonable. One respondent indicated that clarity over the proposed monitoring of procurement was needed. We address this in our response to Q16.

Q9. We welcome examples of good practice from elsewhere in relation to collecting equality data. For example, have we identified the most important sources of evidence relating to equality? Can you suggest better methods or sources?

Organisations, such as the SRA, ILEX and LSB, are currently looking at gathering data and respondents indicated that the Legal Ombudsman should work with these bodies to further our understanding of legal service users.

Where there are overlaps in data requirements, we would welcome joint opportunities for data gathering to be explored.

Q10. Do you have any general comments on our proposals to publish the results of our assessment and monitoring activities? What level of detail would you like to see published?

Respondents supported our approach to publish data and be transparent about the information on which we will base our decisions. Further clarity was, however, sought about the type of information we will want to publish, including where it will be available and at what frequency.

Respondents generally agreed with our stance of not collecting information on transgender status from our complainants. Some questioned the value of collecting and reporting on transgender status because of privacy issues, the low proportion of transgender people in the population and therefore the inability statistically to make use of such data. Some thought it was more important to report qualitative data for this group, and ensure that our policies and practices were trans friendly.

As the Legal Ombudsman is a new service, the volume of activity in the first year will focus on collecting data and evidence to help frame the priorities for forthcoming years.

We envisage publishing equality information on a number of areas such as our equality objectives; employment data, diversity profile of complainants, etc.

Some respondents were interested to see more data on the type of complaints we receive. We believe that publication of case studies and greater information on the causes of complaints would help solicitors improve their complaints handling in all areas. This should include complaints related to equality and diversity.

We will regularly produce case studies that are useful for learning purposes, by selecting cases that are examples of particular types of common complaints or trends. We will also take care to select a range of cases that reflect the broad range of work we do, including the areas of law, types of complaint and types of lawyer that we deal with. We will also include cases resolved formally and informally, and where remedies are awarded and where they are not. This will include all complaints related to equality and diversity. It will also be possible to report on complainants' equality characteristics against the aforementioned data.

Q11. Do you have any specific ideas on how we could improve awareness of, and access to, our services?

Respondents mentioned we could do this through our partnership and engagement work.

We have outlined our plans in these areas in responses to Q4 and Q7.

Q12. Do you have any general comments on our approach to employment data monitoring? Can you suggest any models of good practice in employment monitoring and profiling taken from other bodies? What benchmarks might we use to gauge our effectiveness as an employer who is committed to equal career and development opportunities?

There was broad agreement that it was good practice to collect and monitor employment statistics as this helps in workforce planning and identifying underlying equality issues. Clarity over what HR data we were hoping to collect was requested.

We want to be an inclusive and responsive employer. We recognise established best practice across the public sector and have included the monitoring of gender identity, sexual orientation and religion or belief in our employment monitoring.

Monitoring will take place in a variety of areas, such as recruitment, retention, promotions, equal pay, flexible working, training, grievances, etc. This level of information has been included in our equality priorities and objectives document.

We recognise the need to benchmark and suggestions provided by respondents have been duly noted. When we have sufficient data of comparable value, we will make reference to the suggestions made.

Respondents also indicated that the Legal Ombudsman should promote flexible working and advertise this in the recruitment process, especially in job adverts. The Legal Ombudsman recognises the importance of helping its employees manage their work and home life by offering flexible working arrangements that enable them to balance their working life with parental and other caring responsibilities. We offer flexible working to all potential and existing employees in line with statutory legislation.

Respondents felt that the Legal Ombudsman should have proper recognition of trade unions. We are in the process of identifying possible trade union representation and membership for staff. In addition, we have recently established an elected Staff Council to support colleagues in communicating with and being consulted more effectively by their employer

It was expressed that a linkage between core competencies and behavioural competencies was important. This is taken on board and addressed in our performance management strategy. Equality competencies and objectives will form part of the performance framework, demonstrating an individual's commitment to equality and diversity.

Q13. Can you suggest any models of good and more innovative practice in the delivery of equality and human rights training?

We agree with respondents that we require a mixture of learning opportunities, including a programme of cultural events and external speakers which focus on providing an interactive social environment and new learning experiences.

To date, we have delivered induction training, equality data collection training, and workshops on equality impact assessments. We are delivering workshops on mental health awareness in June 2011. This will be followed by classroom-based equality and diversity training for all staff in 2011 incorporating a drama based approach, which has more of an impact in delivering memorable and lasting results. We also aim to introduce an e-learning training package in 2012 to refresh our learning.

Q14. What do you think our role should be in encouraging the legal profession to adopt and achieve higher standards of equality of opportunity in their practice?

Respondents encouraged the Legal Ombudsman to work in partnership with the Approved Regulators and professional representative bodies to develop joint initiatives and utilise partner resources and engagement networks to promote equality for legal service users. We would welcome such an opportunity and have identified our partnership approach in our Stakeholder Strategy.

Q15. What is the best way of communicating with the legal profession about what we are learning?

Once again, respondents suggested partnership work would have more impact in terms of communicating effectively to the legal profession.

A range of communication vehicles were cited by respondents, such as newsletters, opinion pieces, research publications, case studies, road shows, webinars, etc. We would welcome all opportunities to work with partners to jointly maximise communication in this area.

Q16. In your experience, what would improve the chances of small, ethnic and other minority businesses winning competitive contracts to supply LeO?

One respondent expressed concern about our monitoring arrangements in procurement and felt that we could be more robust in holding suppliers/contractors to account on their equality and diversity commitment. This might include such things as having equality vetting at the beginning of the procurement process, establishing the diversity of any supply chain arrangements, etc.

We are committed to making more effective use of our procurement policies to promote equality and diversity. As a new organisation, we will carefully monitor the impact of our procurement policy. We are already seeing some positive outcomes, for example in the use of local suppliers (scanning and on-site cafe providers). Our large scale procurement is next due in 2012/13, prior to which we will undertake a review of our procurement process, incorporating the specific feedback received in the consultation process, and ensuring it is in line with EU directives.

We are keen to work with and learn from partners to improve our procurement practices in relation to equality and diversity.