



Memorandum of Understanding between the Solicitors Regulation Authority and the Legal Ombudsman

Introduction

1. This Memorandum of Understanding (MOU) sets out a framework for the Solicitors Regulation Authority (SRA) and the Legal Ombudsman to work together in order to carry out their independent roles and separate functions in accordance with the Legal Services Act 2007 (the Act).
2. The purpose of this MoU is to put in place clear arrangements and practices that will foster an effective and cooperative working relationship between the Legal Ombudsman and the SRA.
3. In agreeing this MoU, the SRA and Legal Ombudsman agree that in working together, each will have regard to the need to promote effective systems of redress for consumers of legal services and regulation of solicitors and the organisations regulated by the SRA.
4. The Legal Ombudsman and SRA are committed to cooperating and sharing knowledge and expertise to benefit consumers of legal services and the legal profession.

Roles of SRA and OLC

5. The SRA is the independent regulatory body of the Law Society, an Approved Regulator under the Act. The purpose of the SRA is to set, promote and secure in the public interest standards of behaviour and professional performance necessary to ensure that clients receive a good service and that the rule of law is upheld. The SRA exercises both statutory and non-statutory powers.
6. The Legal Ombudsman is administered by the Office for Legal Complaints under the Act. The Legal Ombudsman is an independent and impartial service that users of legal services can access to resolve complaints about the service provided by their lawyer or firm.
7. The statutory objective of the Legal Ombudsman is to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in the circumstances. The scheme has a statutory jurisdiction and a voluntary jurisdiction.

Cooperation and information sharing

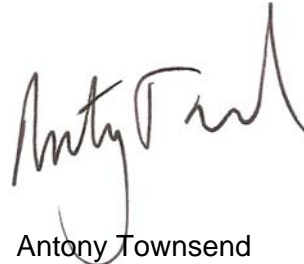
8. The SRA and the Legal Ombudsman agree that they will:
 - a) seek to make sure consumers, solicitors and others understand and are not confused about the different roles of each organisation;

- b) seek to achieve a complementary and consistent approach as far as possible;
 - c) meet and communicate regularly to discuss matters of mutual interest;
 - d) seek to share expertise; and
 - e) consult one another at an early stage on any issues which might have significant implications for the other organisation.
9. The SRA and Legal Ombudsman will agree and periodically review operational procedures on:
- a) routine information sharing including general reporting requirements to support the investigation of complaints by the Legal Ombudsman and the regulatory functions of the SRA;
 - b) dealing with cases or trends that raise broader regulatory, policy or other issues; and
 - c) any other relevant operational arrangements.
10. Subject to relevant restrictions on the disclosure of confidential information:
- a) the Legal Ombudsman will give the SRA information which suggests that regulatory action may be required in relation to individual solicitors or the organisations in which they work;
 - b) other than in exceptional cases, where information falling within (a) above is about a solicitor who is working for an organisation authorised by another approved regulator, the Legal Ombudsman will give such information to the relevant approved regulator rather than to the SRA; and
 - c) the SRA will give the Legal Ombudsman information which may assist the Legal Ombudsman to carry out its statutory functions, including, where the Legal Ombudsman so requires, information about a conduct matter referred to the SRA by the Legal Ombudsman.
11. The MoU will be complemented and supported by written operational procedures agreed between the Legal Ombudsman and SRA. At a minimum these procedures will cover:
- the information to be disclosed and the circumstances in which such disclosure must be made as required by section 144(1) and (2) of the Act;
 - details on the procedures for co-operation and information sharing;
 - arrangements for dealing with hybrid complaints (a complaint which has both a service and conduct element); and
 - reporting professional misconduct in accordance with section 143 of the Act.

12. The Head of External Affairs of the Legal Ombudsman and the Chief Operating Officer or nominated Director of the SRA will be responsible for determining and agreeing operational procedures and putting in place effective working practices that meet the over-arching objectives of this MoU.
13. The Legal Ombudsman and SRA will continue to monitor the operation of this memorandum of understanding (MoU) and review it as necessary. A first review will occur before the end of two years of the establishment of the ombudsman scheme.



Adam Sampson
Chief Ombudsman



Antony Townsend
Chief Executive, SRA