



Guiding principles

The Legal Services Act 2007 allows the Office for Legal Complaints (OLC) to publish reports of investigations or Ombudsman decisions if it considers it “appropriate to do so in any particular case”. In considering what the OLC considers to be “appropriate” for publication, it has been guided by the regulatory objectives of the Legal Services Act, which include:

- Protecting and promoting the public interest
- Protecting and promoting the interests of consumers; and
- Encouraging an independent, strong, diverse and effective legal profession

In reaching a decision about our approach to publication we have looked at evidence generated through research, extensive consultation and analysis of data generated by the Legal Ombudsman since the scheme started in 2010. We have aimed to strike a balance between being open and transparent without having a disproportionate impact on the profession.

We believe that it is in the public interest to provide information that includes the identity of individuals or service providers in certain circumstances. However, the basis for publication must be clearly defined and used for the purpose of promoting consumer protection.

Approach

This policy will apply to all service providers within our jurisdiction.

We will publish our decisions in two categories:

Category 1: Identifying service providers which have been involved in cases where there has been a pattern of complaints that have resulted in an ombudsman decision (s), or set of individual circumstances which indicate that it is in the public interest that we should publish a decision with a report and the service provider should be named. This information will be published immediately and included in quarterly information updates.

In these cases, a full summary of the case will be published.

Category 2: The names of all service providers which have been involved in complaints resolved by an ombudsman decision will be published quarterly on a rolling annual basis.

The following information will be published:

- The name of each service provider where an ombudsman decision has been made
- The total number of decisions made in relation to each service provider
- The date of the ombudsman decision
- The area of law
- The ombudsman remedy required
- Information about each ombudsman remedy; including
- The complaint type
- If evidence of poor service was found

We will publish decisions on our website in a searchable and downloadable format. Decisions will stay on the website for one year.

We will never publish the name of a complainant or any information which, in the opinion of the OLC, is likely to identify them.

Advance notice

All service providers due to have information about decisions received against them published, will be notified at least 14 days in advance.

Raising standards

In addition to publishing ombudsman decisions on the website, we will use some of the data to identify emerging trends and to feed back to the profession through professional learning courses and thematic reviews. All cases will be anonymised. This work supports our aim of helping to drive up standards across the profession and our strategic priorities to:

- Improve complaints handling
- Disseminate what we have learned more widely

Monitoring and review

What will we do about monitoring this policy?

We will monitor the overall impact of this package in several ways:

- Monitoring the number of visits to the publishing decisions page on the website.
- Evaluating whether there has been an improvement in levels of complaints resolved at first tier.
- Results from stakeholder surveys

We will also be carrying out additional quantitative and qualitative research directly with service providers, to gain insight into whether our approach to publishing decisions and the information we publish alongside these, has had an impact on the way in which they handle their complaints.

We will review the policy in two years to ensure that it is still fit for purpose.