

City of Westminster & Holborn Law Society

Response to Legal Ombudsman's Consultation: Publishing Our Decisions: An Evidence Based Approach

About Us

The City of Westminster and Holborn Law Society ('CWHLS') enjoys perhaps the most diverse membership amongst local Law Societies, encompassing as it does, a membership ranging from larger firms, including those which have been called in recent years "the silver circle" down to small high street practices and individual in-house solicitors, including those working for public bodies and government as well as incorporating a number of highly specialist "niche practices" located in London's West End. Our membership includes those who practise at all levels of the profession, those who regularly represent solicitors in SRA investigations and before the Solicitors Disciplinary Tribunal.

Membership is voluntary and CWHLS is run by a committee comprising 33 solicitors representing a very wide range of specialisms. Its work is carried out by 11 specialist sub-committees, one of which, the Professional Matters Sub-Committee, concentrates on matters such as training of solicitors, their regulation, etc.

Q1. Do you have any comments or suggestions about stage three of our approach?

In general terms, we agree with stage 3 of the LeO's approach. We do advocate a final consultation to conclude stage 3 in order that all stakeholders have an opportunity to comment in light of the trends identified by the LeO's research.

Q2. What data do you think it would be most useful for us to track?

Much of the concern emanating from the profession is to do with complaints which are not upheld. This data may be more difficult to collect and track than data relating to upheld complaints but we consider that it would be more revealing.

LeO is, of course, a relatively new organisation and it may take time for the profession to fully understand its approach. Publishing anonymised details of the types of complaints which have not been upheld may help consumers and the profession to trust that the LeO is taking a balanced and fair approach. Unfortunately, the LeO has inherited a role which the profession distrusts and which was perceived by both consumers and the profession as unfair. Many professionals have felt pressured into conciliating an unjustifiable complaint because it has been perceived that predecessor complaints handling bodies would not deal with complaints fairly. The LeO needs to take steps to dispel fears that it may turn out to be "anti-profession" and unfair. Both consumers and professionals need to have confidence in the system if it is to work properly.

Q3. Have we proposed to track the right criteria? Do you have any other suggestions for criteria that could be used to trigger publication?

We have no comment.

Q4. Once we have tracked our data, what do you think should be the basis of our eventual decision about whether we adopt a policy of identifying individual law firms?

The LeO needs to act in the public interest. A policy of identifying law firms has to weigh the need for the information to be in the public domain so that consumers can make an informed decision against the risk that publication of complaints may lead to increased and possibly unjustified distrust of legal professionals. It is not in anyone's interests for consumers to be dissuaded from seeking legal advice because of an inaccurate perception that lawyers cannot be trusted. In our view, publication needs to be justified both by evidence that the firm in question has systematically failed its clients and by consideration of the overarching public interest.

Q5. Do you have any comments about the timetable we have suggested?

We have no comment.