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|-------------------|-------------|----------------------------|
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| Date 30 June 2010 | Email       | nelson.jung@oft.gsi.gov.uk |

Dear Janet,

**Legal Ombudsman consultation: Publishing decisions**

Thank you for providing us with a further opportunity to respond to your consultation.

As we mentioned in our previous response, the recommendation to publish complaints data by the Legal Ombudsman could be an important step to improving consumers' ability to make informed choices based on the performance of legal service providers.

In this respect, we welcome the Legal Ombudsman's commitment to push forward with stages 1 and 2 of its commitment to publish your decisions. Furthermore, we note your intention to track complaint data over a period of nine months and, therefore, deferring your decision as to whether to name firms and individual lawyers until the data has been analysed and further debate has taken place.

We appreciate that you need to balance the interests of consumers with the reputational impact on firms and individual lawyers. However, the OFT remains firmly of the view that the publication of named complaints data could incentivise legal service providers, due to reputational considerations, to maintain and/or improve the quality of service they provide to consumers.



It should be noted that, the Government recognises the importance of empowering consumers<sup>1</sup> and there is now a general move towards more openness and transparency across the board. Indeed, a recent speech by the Financial Secretary to the Treasury, Mark Hoban MP<sup>2</sup> stated that the Government was committed to early disclosure of disciplinary action being taken in the financial services market. This was to install consumer confidence in financial products and incentivise financial institutions to think of their customers first.

We would, therefore, wish to see firm evidence from stage 3 supporting the theory that any detrimental effects were sufficiently severe to justify withholding information helpful to consumer choice.

In your consultation document you have asked what data should be tracked over the nine month period. We believe that essential data would include:

- The number of complaints made against individual firms and lawyers;
- The nature of those complaints and placing them into categories to help see if a pattern develops;
- The ratio of complaints upheld against an individual firm or lawyer;
- Areas of law where complaints tend to focus;
- Which aspects of service the complaints tend to focus; and
- Whether the complaints tend to come from private or publically funded cases.

If you would like to discuss any of the points we have made please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nelson Jung', with a stylized flourish at the end.

Nelson Jung - Assistant Director

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<sup>1</sup> BIS and Cabinet Office (2011), Better Choices: Better Deals <http://www.bis.gov.uk/better-choices>

<sup>2</sup> Mark Hoban speech to the Which? Conference: A New Dawn: Will financial services reform deliver for consumers?