

Legal Ombudsman Stakeholder Survey



Full Report - January 2012



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Section 1: Executive summary

1.1. Awareness and description of LeO

- Almost eight in ten stakeholders claim they know a great deal or a fair bit about the Legal Ombudsman scheme; those operating within legal regulation know the most.
- Asked to describe the Legal Ombudsman from three statements, almost nine in ten identify the organisation as being “an independent body established to resolve consumer complaints about lawyers, protecting the legal profession from unjustified claims yet ordering redress where appropriate.”
- Stakeholders are equally divided in their views on how consumers would describe LeO. Almost three in ten point to it being a ‘consumer champion’ and the same proportion say an ‘independent body’. Additionally, three in ten simply couldn’t express an opinion on how consumers would see the organisation. 13% feel consumers would see LeO as a ‘protector of the legal profession’.
- Turning to the legal profession, 43% of stakeholders feel lawyers would describe LeO as a ‘consumer champion’ whilst 36% think they would see it as ‘an independent body’. 18% simply could not comment and just 2% of stakeholders feel lawyers would describe LeO as a ‘protector of the profession’.
- Stakeholders most typically describe the Legal Ombudsman as independent, fair, impartial, professional and proportionate. It is additionally seen as accessible, open, responsive, informal, efficient and effective.

1.2. LeO’s vision, mission and values

- The vision, mission and values are generally felt to be appropriate for the Legal Ombudsman scheme. When asked how confident they are that LeO is delivering against its vision, stakeholders provide a mean score of 5.7 out of 10. This typically indicates that stakeholders currently feel ambivalent.
- Similarly, delivering against its mission achieves a mean score of 6.3, whilst its values achieve a mean score of 6.2. Again, this suggests stakeholders are sitting within the middle ground, perhaps unwilling to be overly positive or negative at this early stage in LeO’s life.
- Discussions with stakeholders suggest that these ratings simply reflect the relatively early stages of LeO’s life and that it is likely to improve as the service ‘beds in’.

“I think that all the principles they have got, which they hold up as their mission statement and all the other things, their goals, I think they are all laudable goals but it does seem to me that they perhaps need more time in order to get a bit closer to properly or more obviously meeting those goals.”

1.3. Aims and effectiveness of the Legal Ombudsman

- Some eight in ten stakeholders believe LeO is improving access to redress for consumers of legal services, whilst 75% feel it is demonstrating a commitment to

fairness. 73% feel LeO is contributing to the improvement of legal services generally and 65% that it is building consumer confidence in the legal profession.

- Eight in ten stakeholders suggest LeO is effective in communicating its role to them. 71% feel it is effective when communicating its role to the legal profession and 66% to other stakeholders. 51% believe it is effective in communicating its role to consumers.
- Over three-quarters of stakeholders feel LeO is effective in its work overall, especially when considering its performance over the last 12 months.
- Just 44% agree that LeO has been effective in raising awareness of its existence with consumers and in protecting the legal profession from unjustified complaints. For the latter, an additional 31% claim it has been neither effective nor ineffective and 19% simply could not express an opinion. Just 6% suggest it has been ineffective in this measure.
- For those stakeholders expressing a view that LeO has been ineffective, 65% believe that the organisation will be effective in the coming 12 months.
- Voluntary jurisdiction and Alternative Business Structures are two key policy areas which stakeholders believe LeO should be concentrating on within the next 12 months.

1.4. LeO communications and engagement

- 83% of stakeholders agree that they have had the opportunity to input into LeO consultations and policy issues. 82% also agree that LeO's informal approach is a welcome one, whilst 74% agree that LeO shares information and knowledge with stakeholders.
- 68% agree that their voice is heard, even though the outcomes of decisions may be different to their opinions and 59% agree that they understand the reasons behind policy decisions as they are clearly communicated.
- Overall, 82% of stakeholders state that the Legal Ombudsman has engaged well with themselves and their team.

1.5. Comparison to other Ombudsman schemes

- Twenty two stakeholders who participated in the study work with, or have experience of, other ombudsman schemes. Most typically this is the Financial Ombudsman Service (FOS) which is also seen as a beacon of best practice.
- LeO fares favourably when compared to other ombudsman schemes; 58% of stakeholders suggest it compares well on openness and transparency, 53% for consultation with stakeholders and 50% for accessibility. More than four in ten also suggest that LeO compares well for its independence and impartiality and sharing of knowledge and learning. It is seen as more on a par with other schemes when comparing delivery of stakeholder confidence and timeliness of responses.

1.6. Conclusions and recommendations

Stakeholder engagement

There are particularly high levels of satisfaction with LeO's approach to knowledge sharing and consultation. The majority of stakeholders acknowledge that they are consulted, that information is shared, that their voice is heard and that policy decisions are clearly communicated to them. They also appreciate the informal manner in which LeO goes about its business. They suggest this approach is more inclusive and moves away from the 'cultural norm' within the legal sector of being overly formal.

"There are one or two people that I deal with on a regular basis and they are always very friendly and... to be honest with you... I do think there are a number of advantages with dealing with things in an informal manner in order to resolve a problem."

However, some stakeholders would like to see greater transparency over how some policy decisions are reached. This is particularly the case for those stakeholders operating within the legal regulation arena. Stakeholders are generally aware of the consultation that LeO has undertaken into the subject of naming lawyers and law firms when subject to an Ombudsman decision. The policy to publicise these decisions is broadly accepted, though some stakeholders argue that the issue around publicising proportional information is still 'up in the air'. LeO will need to continue to work hard with stakeholders to ensure that it maintains its partnership approach, yet at the same time retains its independent status.

Vision, mission and values

Whilst the vision, mission and values are all seen as appropriate, some stakeholders identify possible improvements. In terms of its vision, stakeholders suggest that LeO should consider whether to add a preface to the vision statement:

"Working in partnership with others our vision is to ensure that... Everyone can access legal services in which they can have confidence."

When considering the mission statement, a number of stakeholders want to see LeO really driving improvements by ensuring that any feedback that it provides is actually actioned, whether it be service or process related. Stakeholders recognise that LeO is accumulating valuable information and that any recurring themes and issues need to be addressed. They do not believe it is enough to simply provide 'focused feedback'; they suggest that LeO should be undertaking lobbying and representation activities to drive improvements, with pressure put to bear on the relevant bodies and regulators. They do, however, acknowledge that there is a fine balance between working in partnership and undertaking lobbying activities.

"I definitely think they provide a voice of challenge... you know for the profession and regulators... because it would be a real oversight if the regulator wasn't taking the information they get from the ombudsman and doing something with it. I mean it's always going to be a slightly difficult relationship between the ombudsman and the regulators... there is a built in tension there... If the ombudsman identifies lots of regulatory issues then that's a headache for the regulators. But I think there is possibly scope for more of a constructive relationship, accepting the built in tension that there will always be."

Additionally, some stakeholders stumble over the word 'shrewd' when it is used within the mission and as one of the values. Whilst it may be seen as aspirational by some, others feel that the word may not be fully understood by a wider audience, and by consumers in particular. The word conjures up connotations of being artful and crafty in the minds of some, rather than LeO's intended reference to astuteness and showing sharp powers of judgment.

LeO may therefore wish to review its usage of the word and consider whether to clarify their intended definition or whether to replace it with something less ambiguous.

Raising awareness amongst consumers

In terms of raising 'awareness' and 'communicating its role to consumers', comments and discussions with stakeholders have identified a number of reasons why these particular measures score lower than others. Stakeholders acknowledge that legal services are not regularly used by the vast majority of consumers and, when they are, usage tends to be over a short, intense period. Consequently, stakeholders feel that initially LeO needs to be communicating its role to providers of consumer advice, the legal profession and the regulators to ensure that consumers are informed of the service at their point of need.

"It is my experience that consumers are only made aware of their presence if they first seek advice from bodies such as Trading Standards, CAB, or other trade associations."

"Needs to do more to encourage regulators and the profession in general to publicise LeO and to educate consumers."

Overall conclusion

Overall, the views of the fifty two stakeholders that participated in the study are generally positive about the Legal Ombudsman's first 12 months of operations. Whilst there are still improvements to be made, stakeholders recognise that LeO has only been 'open for business' for a relatively short period of time and that it has been successful in getting off the ground, within budget and on time.

"I think they should celebrate the success they have had in the first year... I think they have done really well to get to where they are. They are very keen to push off and move on from that... but often they can often end up navel gazing... 'oh we've got this to do and that to do'... and they forget about all that they have delivered."

"Well I think it's been very good... I mean generally speaking entirely positive. You know they have had quite a difficult job to do, they have done what they said they were going to do... which was to set up a new ombudsman scheme in time according to time scales that were set out."

In summary, LeO should use these findings to refine its operations, tweaking the service where necessary, whilst highlighting the successes it has so far achieved.

Section 2: Introduction

2.1. Background

The Legal Ombudsman is a new organisation that has been set up by Parliament to make it simpler for consumers of legal services in England and Wales to access an independent expert to resolve complaints. The organisation's aim is to provide a complaint handling service that is fair, accessible, easy to use and focused on resolving complaints informally and quickly.

The Legal Ombudsman is a Non-Departmental Public Body (NDPB), independent of government and the legal profession, overseen by the Board of the Office for Legal Complaints (OLC). It works with a number of other organisations including government departments, regulators and consumer bodies.

The Legal Ombudsman scheme went 'live' at the beginning of October 2010 and received over 75,000 contacts in its first 12 months of operation. Of these, around 7,000 fell within their jurisdiction and have been investigated as complaints; the 'scheme rules' govern what can and cannot be investigated, as well as defining the areas where discretion can be exercised.

2.2. Research context

Following its first year of operation, the Legal Ombudsman wished to establish a benchmark of views from its main stakeholders¹, namely regulators, government departments, other ombudsman schemes, professional associations and other organisations that it works closely with.

Research by Design was commissioned to undertake consultation with stakeholders to establish a baseline of how they view the Legal Ombudsman as an organisation and evaluate the level of confidence in the organisation's performance and ability to deliver against its vision, mission and values.

Vision:

Everyone can access legal services in which they can have confidence.

Mission:

Our task is to run an independent ombudsman scheme that resolves complaints about lawyers in a fair and effective way, where we are shrewd and decisive when tackling complex issues and that is open so we can give focused feedback to help drive improvements to legal services.

Values:

Fair, Open, Effective, Shrewd and Independent.

¹ This study excludes complainants and lawyers.

2.3. Research objectives

The specific research requirements for this study were to:

- gain an understanding of stakeholders' views on, and attitudes to, the Legal Ombudsman;
- gauge the extent to which stakeholders feel they understand the vision, mission and values;
- gain an understanding of stakeholders' confidence in the ability to deliver against the stated vision, mission and values;
- assess whether stakeholders feel they are effectively consulted on policy issues;
- establish a baseline of stakeholders' views and confidence in the services;
- inform the continuous improvement programme, particularly in the areas of communications, marketing and stakeholder relations.

The results of the study will also be used internally to benchmark the findings against those of other, similar organisations. In addition, the Legal Ombudsman will use the findings to complement the ongoing customer satisfaction surveys conducted with complainants and lawyers that have utilised its services.

2.4. Methodology and sample

2.4.1. Quantitative research

The research objectives meant a quantitative survey was required, one that could provide the statistical data needed to support baseline and benchmarking activity. An online survey offered the most cost effective and timely mechanism for gaining stakeholder feedback, particularly given the location, seniority and diary commitments of many.

A database of 114 contacts, covering 77 different organisations, was supplied by the Legal Ombudsman to Research by Design. This was then used to distribute an email, addressed from Adam Sampson, Chief Ombudsman, to invite participation in the survey. The email included a brief explanation as to the purpose of the online survey as well as a personalised link to it.

The first invite was distributed on Friday 9th December 2011. Non-respondents were sent a reminder 6 days after the initial invitation was distributed. Subsequent follow-up telephone calls were then made to remind participants of the survey and to offer completion over the telephone. Following the Christmas break, a further final email reminder was sent on Wednesday 4th January 2012 and additional telephone calls were made. The fieldwork period ended on Friday 9th January.

In total, 52 stakeholders participated in the online survey, providing a 46% response rate from this audience. Respondents represented 40 different organisations, 52% of those invited.

2.4.2. Qualitative research

Whilst the quantitative online survey was the primary methodology to meet the objectives of this study, an additional qualitative approach was undertaken in order to gain further insight into the findings.

In-depth telephone interviews were conducted with seven 'key' stakeholders to build on the answers already received from the quantitative survey. These interviews typically took between 30 minutes and 45 minutes to complete.

2.5. Analysis and reporting

The output from the surveys is in the form of conventional cross-tabulations. These provide results for the total sample and the following sub-groups of the survey audience. Stakeholders have been segmented into these groupings in order to help identify any differences in views.

Sub-group	Sample
Consumer Group/Charity	4
Government/Judiciary	9
Legal Professional Association	9
Legal Regulator	9
Ombudsman Scheme	4
Other stakeholders	17

Given the total sample size of 52 stakeholders, care should be taken when interpreting the findings, particularly where sub-groups of the sample are identified. Any differences highlighted are not statistically significant, due to the small sample sizes, and should be therefore taken as more an indication of views.

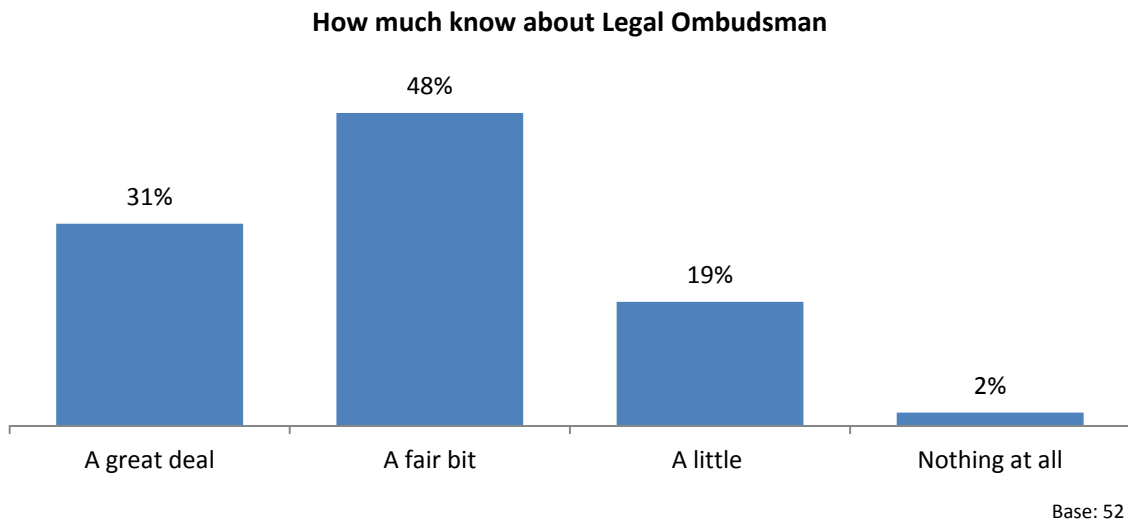
The term 'Legal Ombudsman' also appears within this report in its foreshortened form of 'LeO'.

Within the main body of the report, where figures are not shown in the charts, these are 3% or less. Where percentages do not sum to 100% this is either due to rounding or multiple answers being given to the question.

Section 3: Awareness and description of LeO

3.1. Awareness of LeO

Three in ten stakeholders claim to know a 'great deal' about the Legal Ombudsman and a further five in ten know a 'fair bit. Perhaps unsurprisingly, it is those operating within legal regulation that claim to know the most.



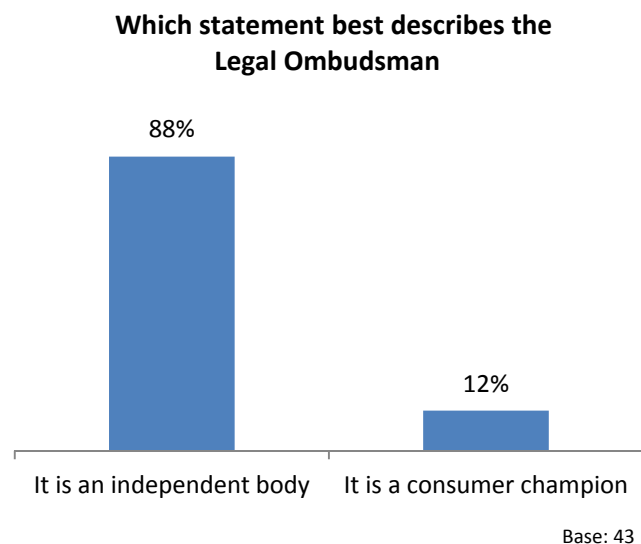
3.2. Describing LeO's role

Stakeholders were presented with the three statements below and asked to consider which one best describes the Legal Ombudsman;

- *It is a consumer champion, designed to improve consumer protection against poor legal service.*
- *It was established to protect the legal profession from unjustified complaints.*
- *It is an independent body established to resolve consumer complaints about lawyers, protecting the legal profession from unjustified claims yet ordering redress where appropriate.*

The vast majority of stakeholders consider LeO to be best described by the last statement; an independent body that is balancing the protection of consumers with the protection of those working within the legal profession from unjust complaints.

No stakeholders feel it was established to simply protect the legal profession from unjustified complaints.

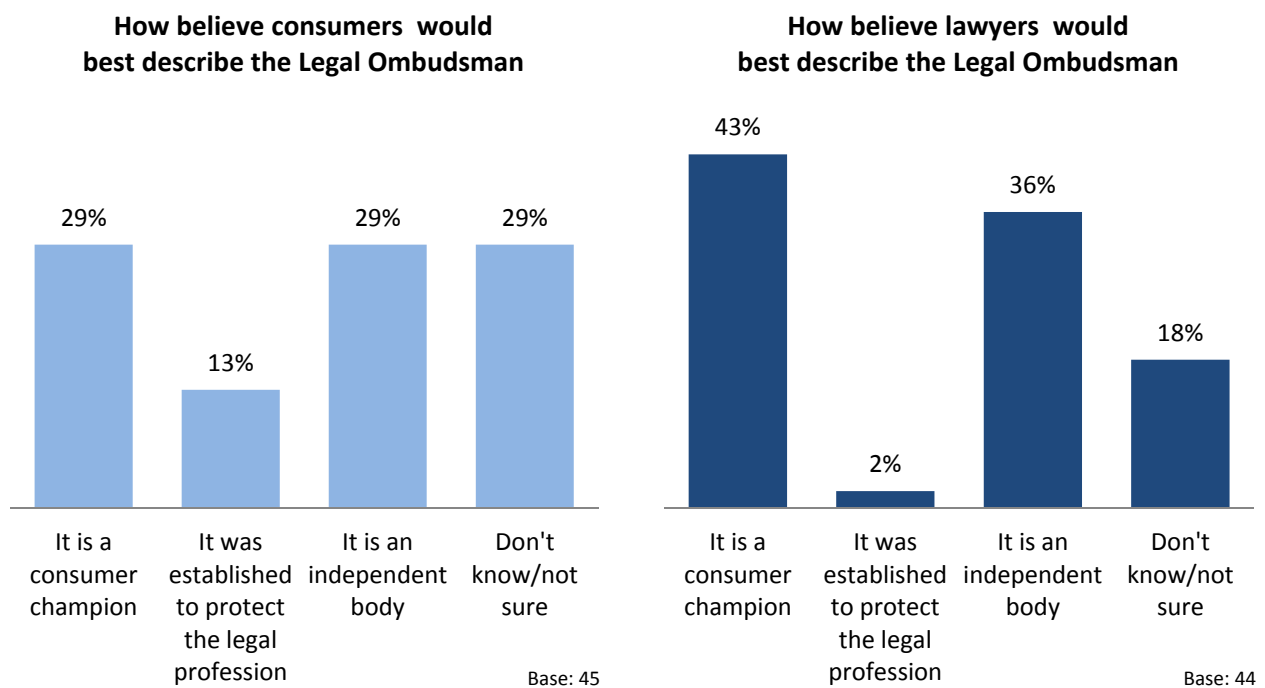


3.3. Likely perceptions of consumers and lawyers

Stakeholders were again asked to consider the three statements and answer from the perspective of how they believe consumers and lawyers would describe the Legal Ombudsman.

Some three in ten suggest LeO would be perceived by consumers as either a consumer champion or an independent body. A similar proportion simply couldn't answer. Just 13% suggest that consumers would believe LeO was established solely to protect the legal profession from unjustified complaints.

Proportionally more stakeholders within Government departments and the Judiciary feel consumers would identify LeO as being a consumer champion; 57% suggest this.

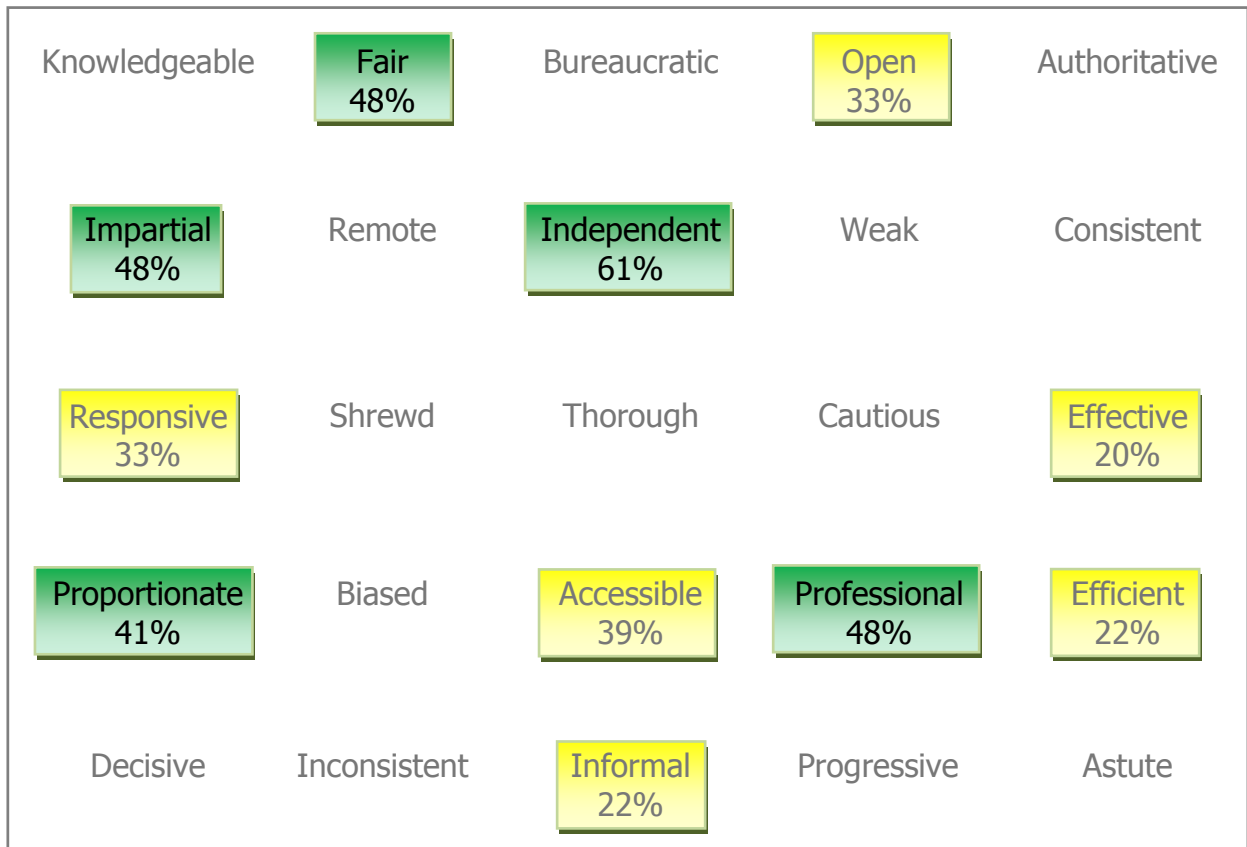


Turning to perceptions of lawyers, over four in ten feel they would believe LeO is a consumer champion designed to improve consumer protection against poor legal service. A further 36% suggest it would be seen as an independent body, providing redress to consumers where appropriate, whilst protecting the legal profession from unjustified complaints.

3.4. Describing the Legal Ombudsman

Descriptions of the Legal Ombudsman are extremely positive. Given a list of adjectives, stakeholders most typically describe the Legal Ombudsman as independent, fair, impartial, professional and proportionate.

It is additionally seen as accessible, open, responsive, informal, efficient and effective.



Only 7% of stakeholders or less describe LeO as bureaucratic, inconsistent, remote, weak, consistent, shrewd or astute. None describe it as biased.

Section 4: LeO’s vision, mission and values

Stakeholders were presented with LeO’s vision, mission and values and asked to score their level of confidence in the Legal Ombudsman delivering against them. They were asked to use a scale for 1 to 10, where 1 denotes not at all confident and 10 is extremely confident.

4.1. Delivering the vision, mission and values

The following table shows the extent to which stakeholders are confident that LeO is delivering against its vision, mission and values. It also shows the mean scores - the closer the mean score is to 10, the greater the confidence.

The table shows that a fifth of stakeholders have scored the vision between 2 and 4 (clustered as least confident), some two-fifths have scored it between 5 and 6 (identified as ambivalent), and the remainder have scored it 7 and 8 (most confident).

Overall the mean score is 5.7, indicating that stakeholders’ current confidence in delivery against the vision is somewhat ambivalent. This is also true of the mission and values.

	Not at all confident										Extremely confident	Mean score
	1	2	3	4	5	6	7	8	9	10		
Its vision	-	2%	7%	11%	26%	15%	30%	9%	-	-	5.7	
Its mission	2%	2%	2%	4%	18%	16%	31%	22%	2%	-	6.3	
Its values	-	2%	9%	2%	13%	22%	24%	27%	-	-	6.2	

Least confident
Ambivalent
Most confident

It should be noted that stakeholders view LeO as ‘work in progress’ and therefore these results provide a good baseline on which to build improvements over time.

“To be fair to the organisation it is still fairly young and people are on a very steep learning curve.”

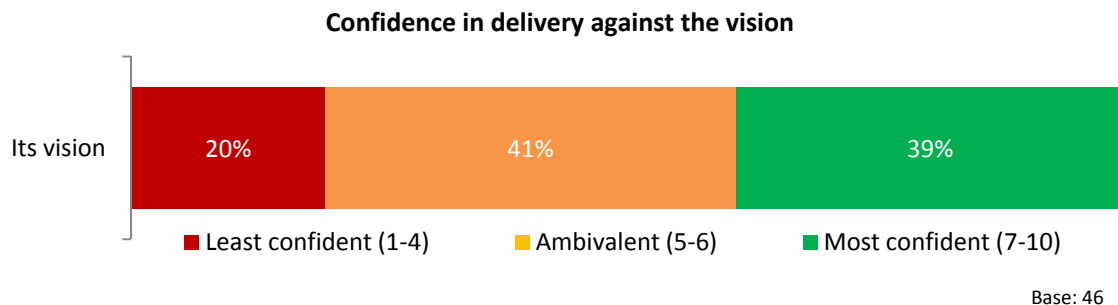
“I mean it hasn’t been going for that long but its satisfaction statistics are very good, people seem to think that it does a good job. I think it has quite a refreshing kind of presence in the sector because it is new and quite visionary... and they’ve got a culture of wanting to look at new ideas and explore ways of improving things.”

The following sections explore the results in more detail.

4.2. Delivering the vision

Everyone can access legal services in which they can have confidence.

Around two-fifths of stakeholders are confident that LeO is currently delivering its vision, while two-fifths are ambivalent. A fifth suggest they are not confident.



Discussions with stakeholders suggest these findings may simply reflect the age of LeO as an organisation, particularly where there is an element of reservation. Most suggest it is ‘early days’ and ‘work in progress’. That said, there is a general expectation that LeO will deliver against this vision in the future.

Those who participated in the in-depth interviews were also asked about the appropriateness of the vision. While some see it as a rather grandiose statement, they nevertheless recognise that the vision is aspirational and therefore acknowledge that it is appropriate.

“I think it is appropriate... we are all in the business in trying to raise standards in the profession and in order for consumers to have confidence in the legal profession I think we do need to have a regulatory system which the members of the public, consumers, can have confidence.”

Whilst it may be appropriate, stakeholders do not necessarily believe that LeO can achieve this vision in isolation. Here stakeholders talk about the need for LeO to be engaged with all those operating within the legal and judiciary arena; it is through partnership that this vision will therefore most likely be achieved. They recognise that LeO has made impressive inroads in achieving this engagement, which is discussed in greater detail in section 6 of this document.

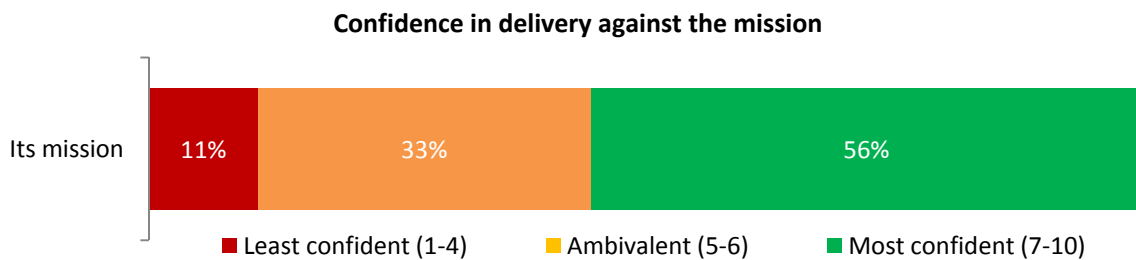
“I don’t think they can do that in isolation because we are dealing with a number of different types of lawyer, it’s not straightforward. We are not dealing with one type of individual, they’re all different types of lawyer... and they (LeO) don’t deal with professional misconduct... and so they need to work in partnership with the regulators.”

“It can’t be solely down to the Legal Ombudsman, I think again, it’s a partnership issue.”

4.3. Delivering the mission

Our task is to run an independent ombudsman scheme that resolves complaints about lawyers in a fair and effective way, where we are shrewd and decisive when tackling complex issues and that is open so we can give focused feedback to help drive improvements to legal services.

The majority of stakeholders are confident that LeO is delivering against its mission; 56% score their confidence between 7 and 9. Just one in ten suggest they lack confidence that it is achieving this; it is those that know the least about LeO that rate it in this way.



Base: 45

All stakeholders agree on the appropriateness of the mission statement.

“Seems to me highly appropriate.”

The only areas that prompted further discussion surround the extent to which improvements in the legal profession are driven forward, and the use of the word ‘shrewd’.

‘Improvements’

In terms of giving ‘focused feedback to help drive improvements to legal services’, some stakeholders do not believe that this goes far enough. Here stakeholders wish to see that any lessons learned are not just fed back, but that LeO is placing pressure on the relevant bodies (and their governing bodies/government) to ensure that necessary changes are being considered and implemented. In effect, they are suggesting a wider lobbying role for LeO.

“I would be a strong advocate... and all the consumer bodies would be a strong advocate... of the last part... in effect, the learning of the lessons of how to improve for the future... so that it’s not just an individual complaint being resolved, but any sort of wider systemic issues raised are taken forward with the appropriate bodies... which in the case of the legal services world would be the Legal Services Board and the approved regulators.”

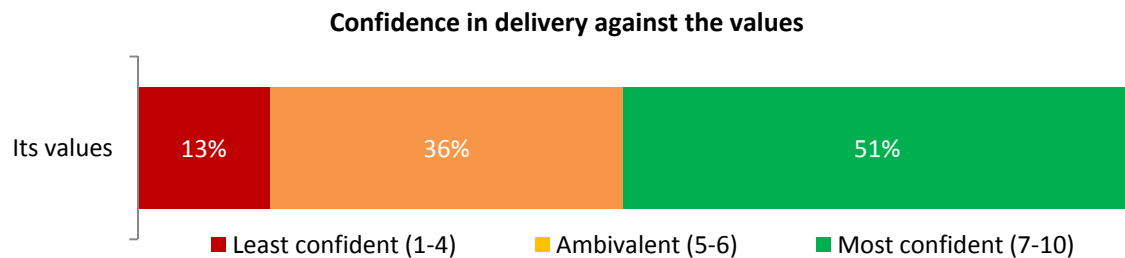
“We are much less keen on a ombudsmen scheme that sees its focus too narrowly drawn, in the sense that they just have to reach a resolution on an individual complaint.”

“I definitely think they provide a voice of challenge... you know for the profession and regulators... because it would be a real oversight if the regulator wasn’t taking the information they get from the ombudsman and doing something with it. I mean it’s always going to be a slightly difficult relationship between the ombudsman and the regulators... there is a built in tension there... If the ombudsman identifies lots of regulatory issues then that’s a headache for the regulators. But I think there is possibly scope for more of a constructive relationship, accepting the built in tension that there will always be.”

4.4. Delivering the values

Fair, Open, Effective, Shrewd and Independent.

The majority of stakeholders believe that LeO is delivering against its values; 51% provide a confidence rating of 7 and 8.



Bas: 45

Stakeholders believe that the words 'fair', 'open', 'effective' and 'independent' are wholly appropriate for LeO and that they fit well with the vision and mission.

"I think these sorts of values are good and I think any organisation really ought to have those values as well. I don't see a problem with those values; I think we should all aspire to them."

'Shrewd'

This adjective prompted much discussion, both in its use within the mission statement and as one of the five values. For one stakeholder, shrewd relates particularly well to the legal profession and the need for 'astuteness' by lawyers. It is therefore seen as an aspirational goal.

"The choice of the word shrewd, I have no indication at the moment on whether they are living up to that, but I do think it was a very good choice of word for an aspiration."

Other stakeholders feel that the word may not be fully understood by the wider audience, and by consumers in particular. For some, the word conjures up a slightly negative definition and connotation (artful and crafty practices), rather than LeO's intended reference to astuteness and demonstrating sharp powers of judgment.

"The word that I struggle with, that I know they quite like, is shrewd... I don't know exactly what that means. It always makes me think of Alan Sugar, but what does that really mean? In reality, how are they going to be able to demonstrate that, I think that's a bit of a challenge."

Additionally, stakeholders question whether an organisation, as a collective, can display 'shrewdness', or whether this is more applicable to an individual's ability to act in this particular manner. Others could not simply articulate their reasons for 'stumbling' over the word, suggesting its meaning is somewhat of an unknown; the phrase is not felt to be common parlance and in general use.

"People think about... you know, fairness, transparency, yes... efficiency and dealing with things in a value for money sense... and maybe they are rolling all those things up into shrewd... but you know the fact that you might need to have a conversation about what it means isn't really helpful."

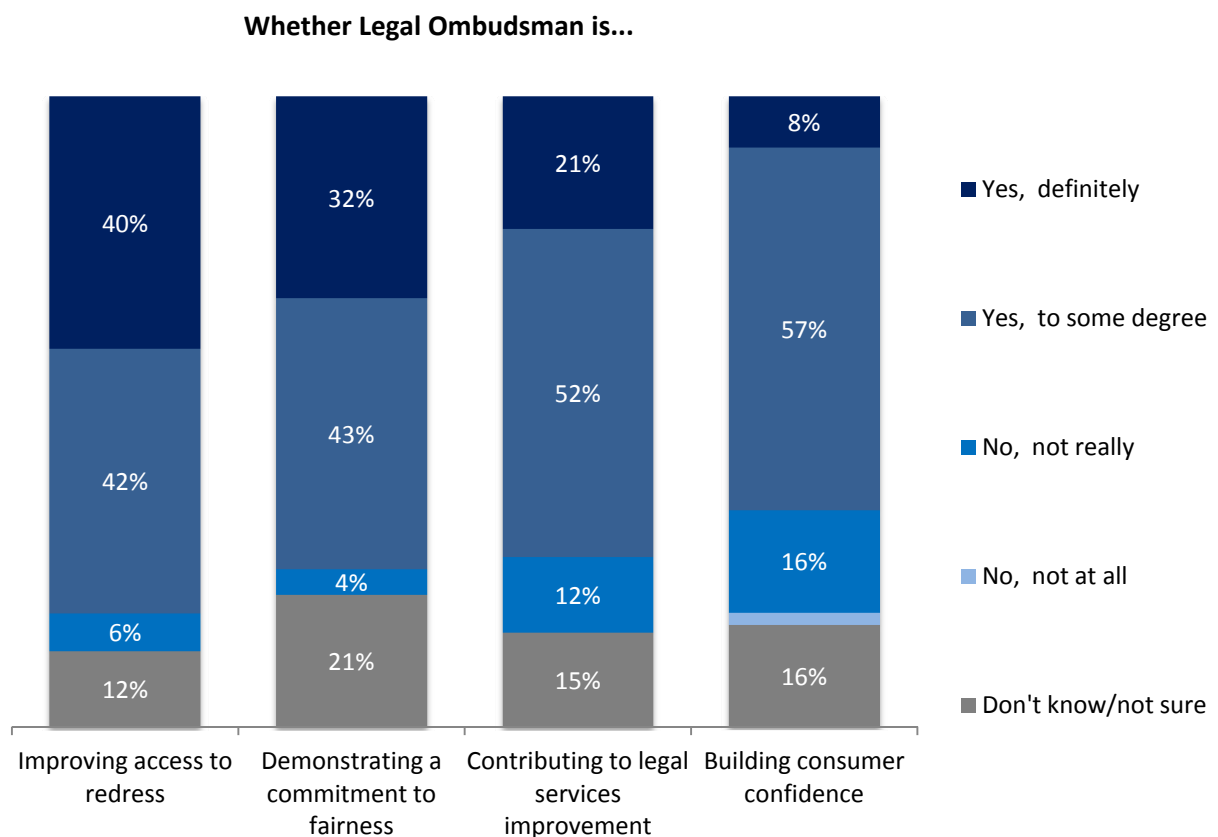
Section 5: Aims and effectiveness of the Legal Ombudsman

5.1. Whether achieving aims

Overall, the majority of stakeholders believe that the Legal Ombudsman is improving access to redress, demonstrating fairness, contributing to improvements and building consumer confidence, at least to some degree.

It is the opinion of stakeholders that LeO's aim to provide redress for consumers of legal services is being met; some eight in ten indicate this. Three-quarters feel the same for its aim to demonstrate a commitment to fairness, whilst some seven in ten believe it is contributing to the improvement of legal services generally.

Almost two-thirds also believe it is building consumer confidence in the legal profession.



Base: 47-49

A greater proportion of those stating that they are unsure whether these aims are being met are typically classified as legal regulators, indicating that LeO may need to provide greater clarity to this stakeholder group.

5.2. Suggested improvements to achieve aims

Improving access to redress

Stakeholders suggest that LeO could improve its practices by communicating and publishing case histories and statistics, as well as the reasons behind decisions. They feel it should also be more visible to consumers.

“As LeO builds up a body of history it will be better able to communicate how it addresses this function. For example, people will be able to better understand how many cases are resolved informally, how efficient the service provided is, and any pattern in ombudsman decisions.”

“Be more visible so consumers know where to take problems.”

“Further publicise its existence. Use day time TV advertisements, perhaps, to counterbalance bottom feeders in the legal world.”

“Improve on reasons for decisions made.”

Demonstrating a commitment to fairness

Stakeholders believe that LeO should also publish more information to demonstrate they are being consistent in their decisions and fair to both parties.

“Include the names of both solicitor and client when the complaints record is published.”

“Needs to show that it has got to grips with issues such as consistency of outcome and consistency of access across the diversity spectrum.”

“On-line reports should include consumer feedback... and do not currently.”

Contributing to improvements

Stakeholders suggest LeO uses the findings from casework as a way of publicising improvements within the legal profession.

“Increase consumer awareness and legal education.”

“Publish more on detailed cases and name names.”

“Use casework to give an evidence base to the service landscape and illuminate the gaps between consumer and practitioner expectations.”

Building consumer confidence

Stakeholders feel that publicising decisions and promoting positive stories, both from a consumer and legal point of view, will aid in building consumer confidence.

“Ensure transparency whilst protecting individual confidentiality.”

“I think it will just take time to establish in people's minds that there is an independent 'referee' to deal with complaints. Many people will not yet be aware of LeO as they will not have needed its services.”

“More decisive weeding out of weak complaints and firmer treatment of justified ones.”

“Promote more positive news.”

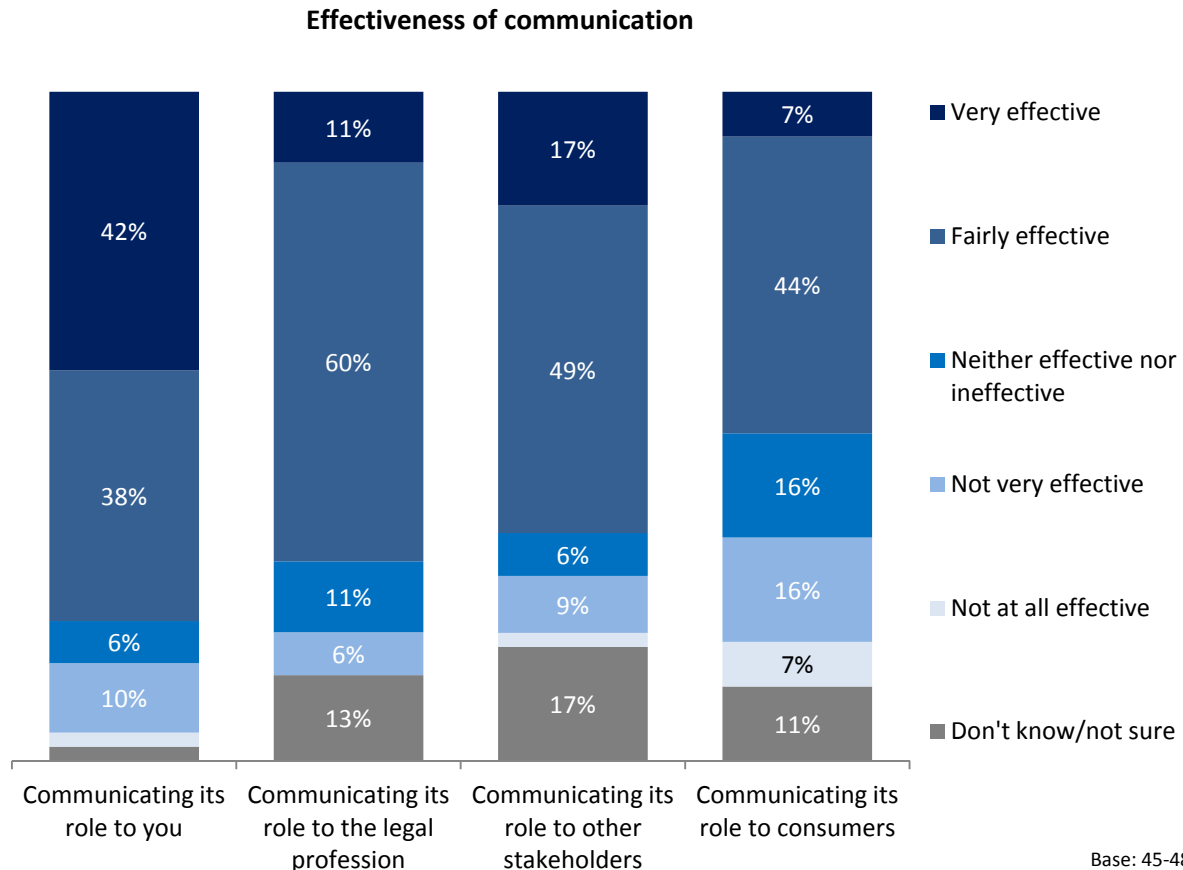
“Provide more information for the consumer about what is and what is not within the control of the lawyer.”

“Publish outcome of cases and details of those lawyers involved.”

5.3. Effectiveness of LeO communicating its role

The majority of stakeholders believe that LeO is effective in communicating its role. Eight in ten suggest it is effective in communicating its role to themselves; 42% suggest it is *very effective*.

Overall, some seven in ten believe LeO is effectively communicating its role to the legal profession and two-thirds to its wider stakeholders.



Just over half believe LeO is effectively communicating its role to consumers. However, almost a quarter suggest it is not effective in this.

“I simply don't believe the wider public knows of its existence or role.”

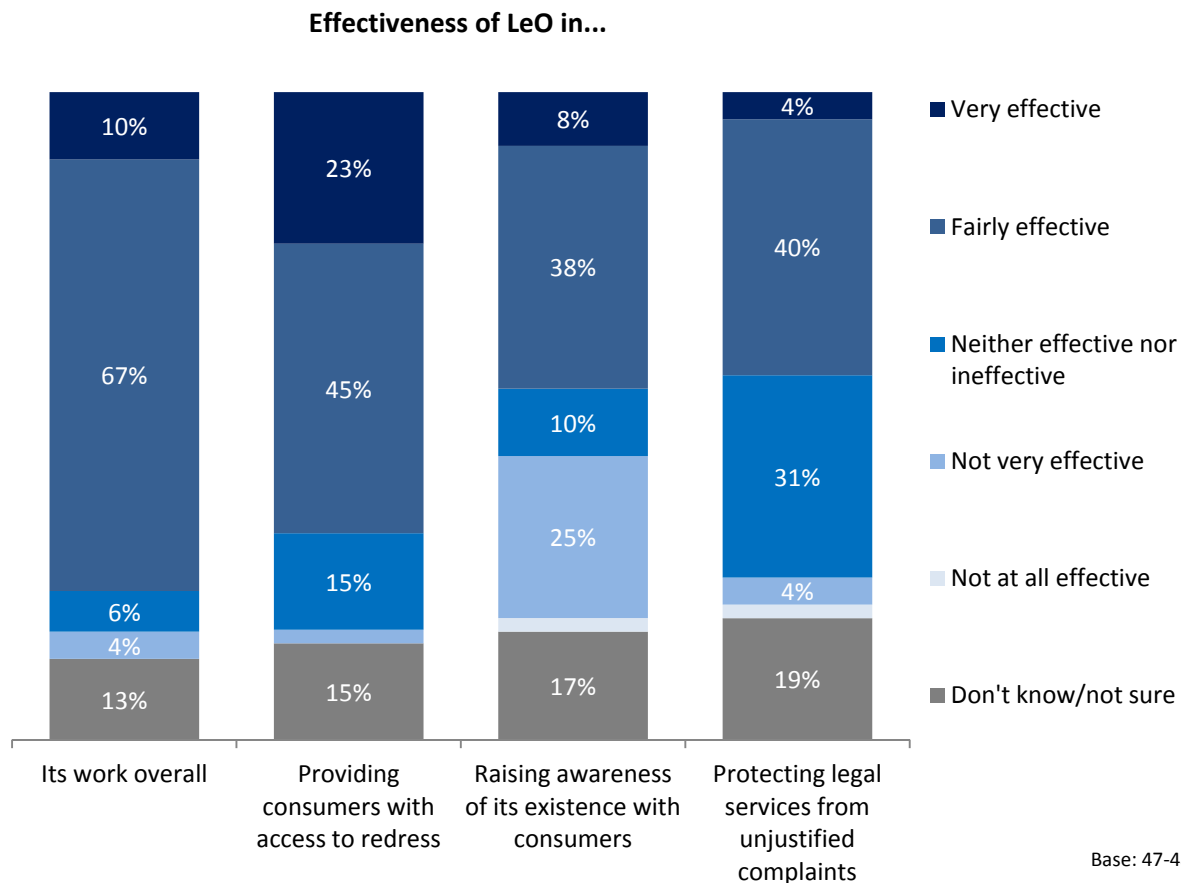
“I doubt the majority of clients have heard of, or are aware of, the scheme.”

“Not seen much evidence of advertising in TV or papers that Joe Public reads/sees.”

These findings are discussed in further detail in section 5.4.1 below.

5.4. Effectiveness of LeO in its operations

Taking everything into account and considering its performance over the last 12 months, stakeholders are generally positive about LeO's work overall; over three-quarters believe it is effective. Some two-thirds also believe it is being effective in providing consumers who have suffered poor service with access to redress.



At the other end of the scale, fewer stakeholders can currently say that LeO is being effective in raising awareness of its existence amongst consumers or protecting those providing legal services from unjustified claims; just 44% believe that it is effective in these two measures.

In terms of protection from unjustified claims, many stakeholders have simply not seen any communications or supporting evidence disseminated by LeO for them to provide a more positive view.

5.4.1. 'Raising awareness' and 'communicating its role to consumers'

Comments and discussions with stakeholders have identified a number of reasons why these particular measures score lower than others. There is a general acceptance that legal services are not used by the vast majority of consumers and, where they are used, usage tends towards the sporadic (though possibly at an intensive level during a relatively short period of time).

This can be contrasted to consumers' usage of financial services. Here, for example, the high penetration of financial products and services combined with strong media coverage of pension

and payment protection insurance (PPI) mis-selling and the like, more readily result in high levels of consumer awareness of FOS (and FSA as the regulator).

Given the relatively small user base, stakeholders therefore question the extent to which LeO really needs to communicate its role to the majority of consumers and the wider public.

“How much of an explicit objective is it any way?”

Communicating its role to consumer organisations, however, is considered extremely important as they are well positioned to signpost consumers to LeO’s service.

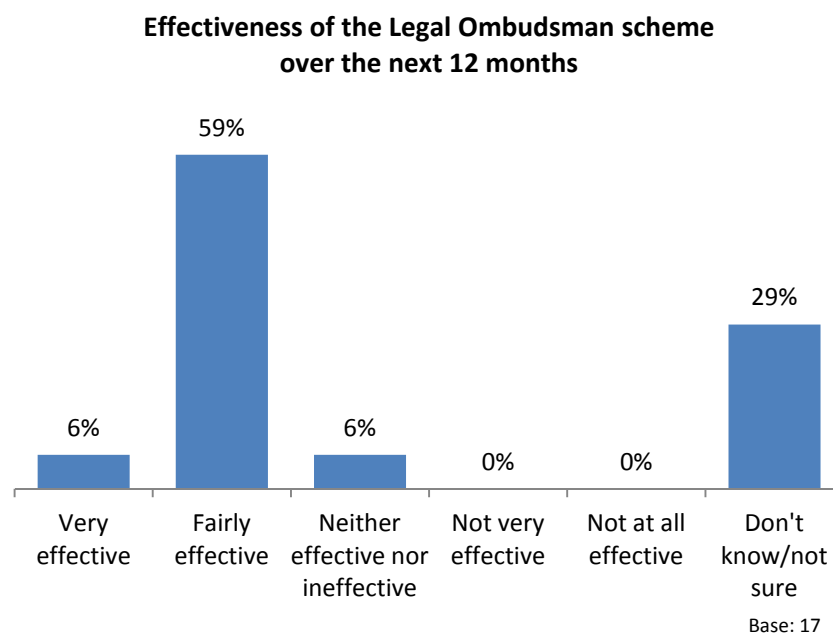
“It is my experience that consumers are only made aware of their presence if they first seek advice from bodies such as Trading Standards, CAB, or other trade associations.”

It is also argued that LeO should also ensure that the message is being disseminated by those operating within the legal services profession, including the regulators. Again, stakeholders refer to working in partnership with legal bodies and regulators to provide a ‘joined up service’.

“Needs to do more to encourage regulators and the profession in general to publicise LeO and educate consumers.”

5.4.2. Effectiveness in the coming 12 months

Stakeholders that currently feel LeO is ‘not very effective’ or ‘not at all effective’ in any of the above measures are generally positive about LeO’s future performance; almost two-thirds expect the scheme to be effective. There, however, remains roughly three in ten that can not express an opinion.



5.5. Focus for the coming 12 months

Stakeholders were asked to consider the policy areas that they feel LeO should be concentrating on in the next 12 months, both within the online survey and during the depth interviews. Three themes have emerged from these comments.

Communication, publication and lobbying

One of the key themes is the achievement of the mission statement, whereby potential users of the service are made aware of its existence, and that any lessons learned from the first 12 months of operation are acted upon. These include the areas already discussed in section 4.3 of this document surrounding publication of decisions and lobbying/putting pressure to bear on the regulators of legal services and their governing departments.

“Access/Diversity Jurisdiction. Consistency Impact measures (develop, implement) - need data before analysis and feedback can happen. Better use of intelligence.”

“Clarifying its remit with its stakeholders so that the parameters are clearer.”

“Communication and publication.”

“Embedding efficient case handling; reporting casework and lessons from poor practice; monitoring changes in service issues arising from new business models; getting up to speed with case handling arrangements for all parts of the sector.”

“Publication of emerging themes/issues.”

“Raising awareness of itself, improving transparency in the legal services industry.”

“Unregulated sector.”

Voluntary jurisdiction

Another theme surrounds extending LeO’s current jurisdiction so that non-reserved activities fall within its remit. A number of stakeholders mention LeO’s business plan consultation into voluntary jurisdiction, primarily focused on will writing (whereby it could activate the powers in section 164 of the Legal Services Act to add a voluntary jurisdiction to its statutory one).

“An optional code of conduct for providers of unreserved legal services.”

“Clarification of jurisdiction issues.”

“If the Legal Ombudsman is to properly fulfil his role as a champion of the people using legal services he should accept all legal services, including self regulated schemes such as will writing under his protection for the benefit of the consumer.”

“Improving its relations with the independent will writing sector.”

These stakeholders believe this would be a useful development to address gaps in redress.

Alternative Business Structures

The advent of Alternative Business Structures (ABS) also signals a challenging time for the regulators of legal services and the Ombudsman, given the blurring of the future service offer. Stakeholders expect to see LeO taking a proactive approach in how consumer redress can be promoted, and more importantly, providing guidance and advice on how to access redress. They recognise that LeO will need to work closely with others within the legal and judiciary arenas to help decipher this complex business area.

“Developing a strong performance record. Ensuring effective redress for consumers of ABS firms. Delivering value for money.”

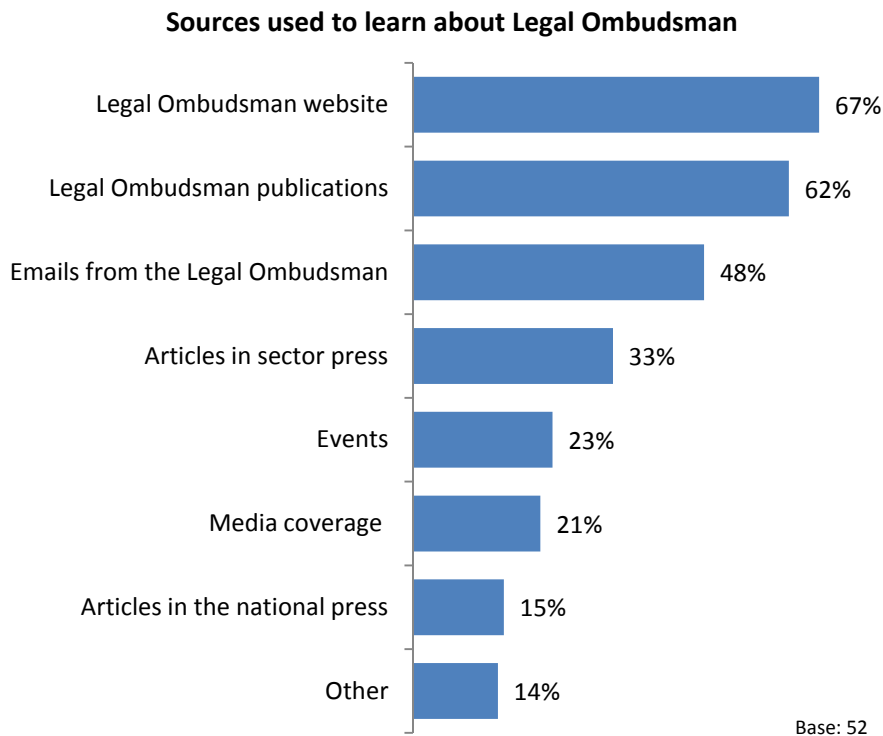
“Monitoring the effect of Alternative Business Structures on the legal profession. Will there be more Complaints or different types of Complaints?”

“Plenty of thought will need to be given towards considering where the natural boundary of LeO’s jurisdiction lies, how it deals with multi-disciplinary practices providing some services that are not covered by the legal ombudsman scheme, and what LeO can do to help those who need redress after being exposed to unregulated legal work. As different business models become more prevalent LeO will face an increasing number of issues related to jurisdiction. LeO should build links between ombudsman schemes that work in related areas, such as finance. If consumers are confused about which scheme is the most appropriate to deal with their issues each ombudsman scheme should be able to sign[post] people to the right place, or if necessary work together. It should be clear which complaints are dealt with by which ombudsman scheme and for double jeopardy to be avoided.”

Section 6: Communication

6.1. How stakeholders learn about the Legal Ombudsman

The Legal Ombudsman website is the primary source of information that stakeholders use to gain information and learn about its activities; two-thirds of stakeholders are using this communication and information medium. This is closely followed by LeO's publications.



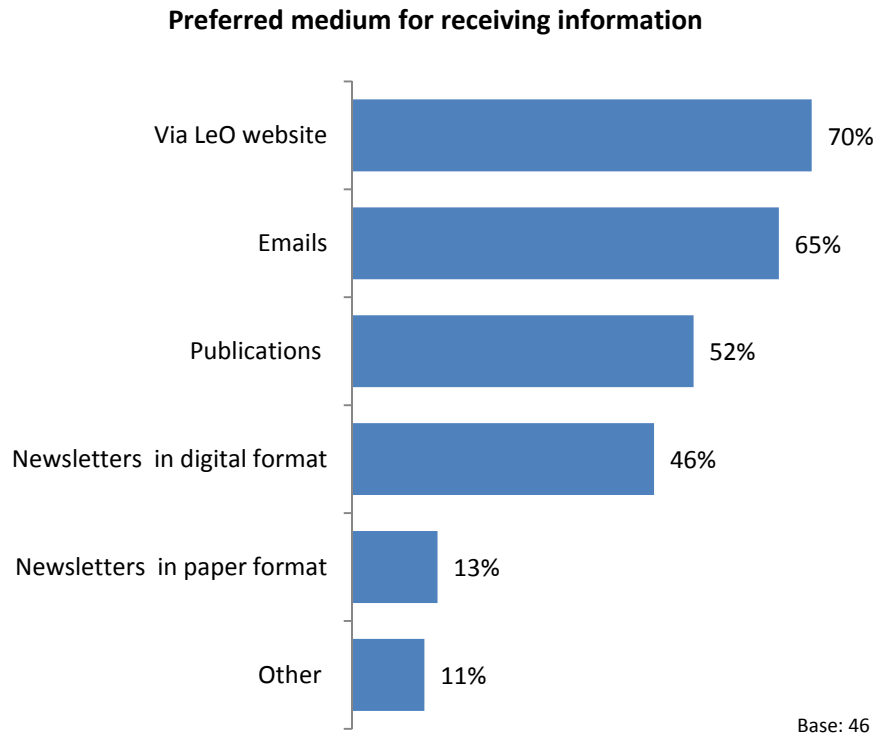
Those indicating that they use 'other' sources to learn about LeO's activities are typically stakeholders that are interacting with LeO on a regular basis. These other sources include telephone calls and regular meetings.

Overall, around two-thirds (67%) of stakeholders indicate that the level of information they receive from LeO is 'about right'. Three in ten suggest they receive too little information, rising to five in ten for stakeholders in other ombudsman schemes.

6.2. Preference for receiving information

Looking forward, the majority of stakeholders would like to be receiving information from LeO via its website and through emails.

Around half also favour publications and e-newsletters: making these accessible via the website would seem to be appropriate.



6.3. LeO's knowledge sharing and consultation processes

There are high levels of satisfaction with LeO's approach to knowledge sharing and consultation, as seen in the following results. The majority of stakeholders agree that they are consulted, that LeO's informal approach is welcomed, that information and knowledge is shared with them, that their voice is heard and that policy decisions are clearly communicated to them.

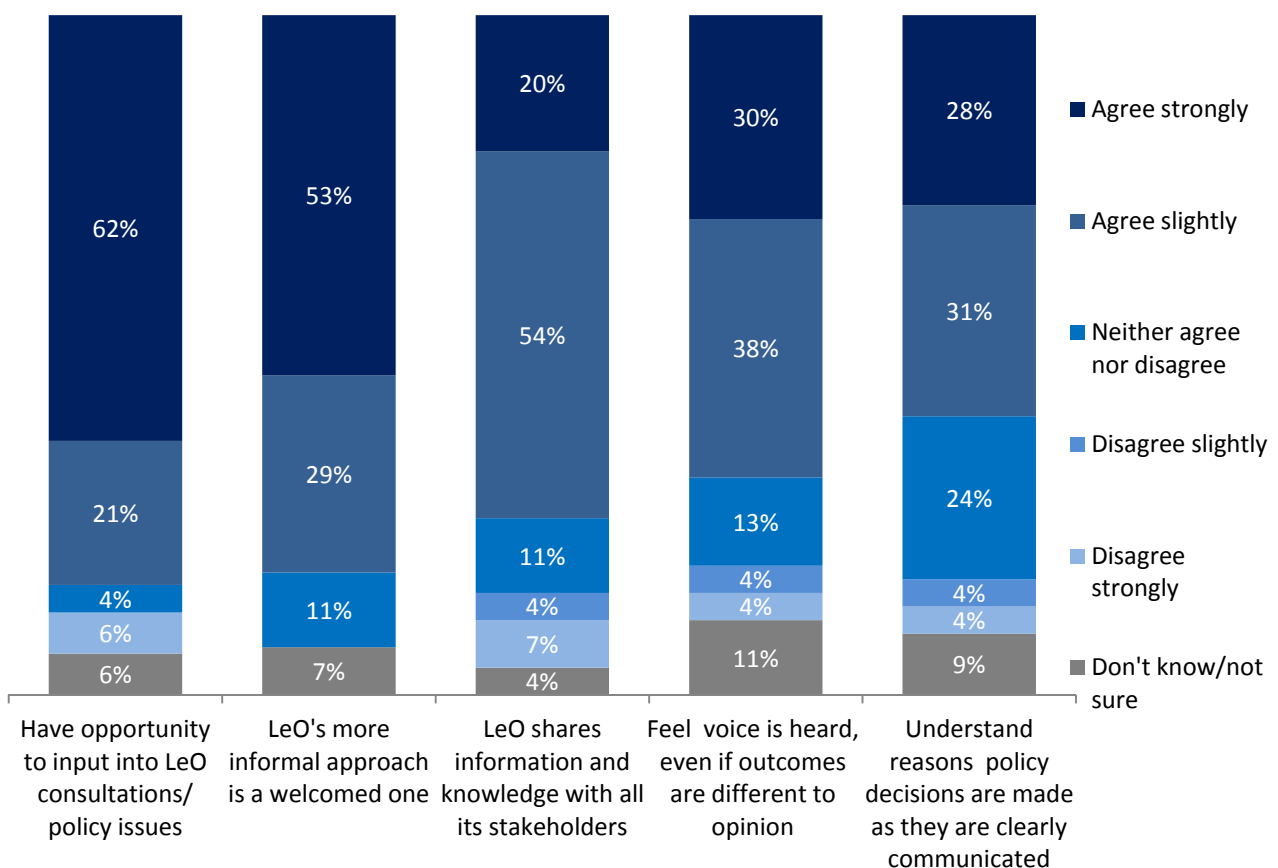
Stakeholders' ability to input into consultations and policy areas is seen as a particular strength of LeO. Similarly, the less formal approach taken by LeO is rated highly; 53% agree strongly that this approach is welcomed.

Stakeholders, during discussions, particularly praise LeO for its inclusive approach and its move away from the 'cultural norm' within the legal sector of being overly formal.

"There are one or two people that I deal with on a regular basis and they are always very friendly and... to be honest with you... I do think there are a number of advantages with dealing with things in an informal manner in order to resolve a problem."

"Maybe we could move to being a bit more informal [like the Legal Ombudsman]... being prepared to pick up the telephone a lot more... interact with people on the telephone, rather than what happens with us... in the majority of our interaction with people... it's written correspondence."

Extent agree or disagree

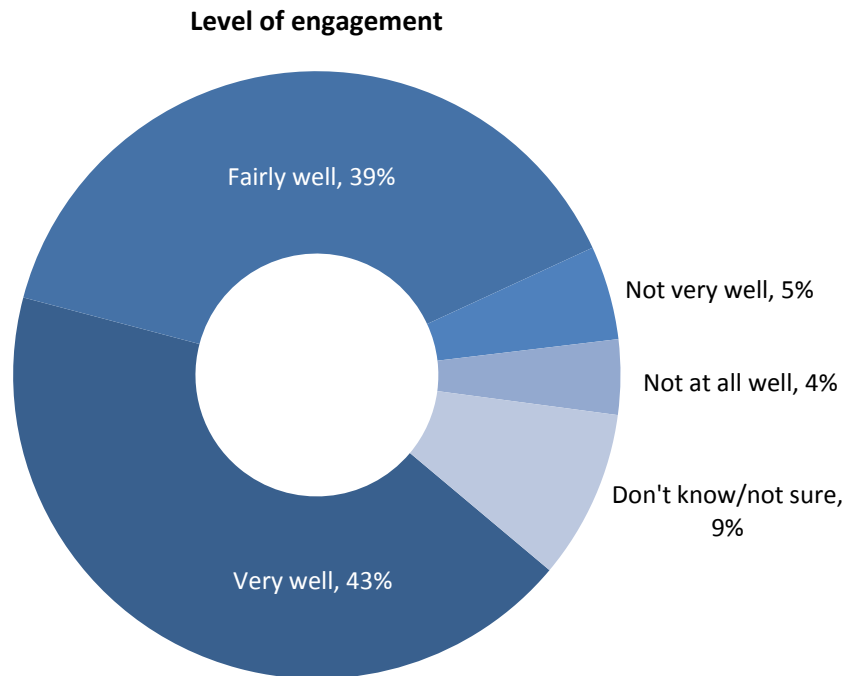


Base: 45-47

At most, just 11% disagree with any of the statements.

6.4. Level of engagement

As might be expected, given the results reported in section 6.3 above, overall, stakeholders are extremely positive in their rating of their engagement with LeO; some eight in ten claim that LeO has engaged and worked well with them and their team.



Section 7: Other Ombudsman schemes

7.1. Stakeholders experience of other schemes

Twenty two stakeholders participating in the survey work with, or have experience of, other Ombudsman schemes. Most typically this is the Financial Ombudsman Service (FOS), which is typically considered to be a ‘beacon of best practice’.

Ombudsman scheme	Qty
Financial	11
Parliamentary & Health	5
Telecoms	4
Local Government	3
Property	2
Housing	2
Furniture	1
NI Prisons	1
Energy	1
Insurance	1

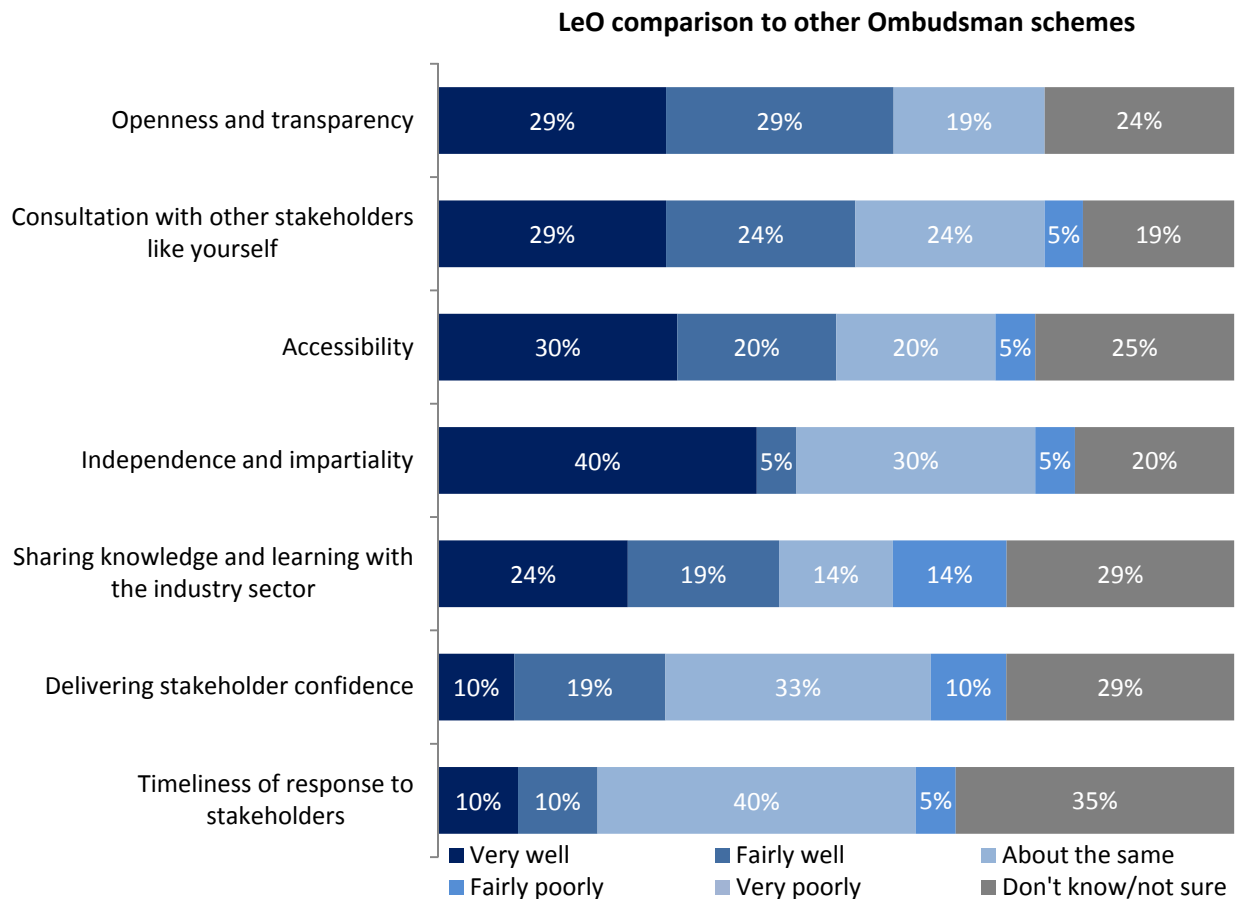
Whilst FOS is currently recognised to be leading best practice, some stakeholders feel that LeO could fit this mantle. Its ‘blank canvas’, the experience of the senior management team and the opportunity it has been given to develop its own practices, procedures and culture give it considerable scope, they suggest, to make a real impact.

“Well to be honest the Legal Ombudsman ought to be the beacon of best practice if only because it’s about the most recently established and had the opportunity to do so on a green field site, if you like... and didn’t take even any existing cases... so it had the opportunity to design its systems looking at the learning from a lot of other places. I mean there is nowhere that I would particularly point to as being a model for the Legal Ombudsman to follow, I am not aware of there being anywhere that is being clearly superior.”

7.2. Legal Ombudsman comparison with other Ombudsman schemes

Compared to other Ombudsman schemes, over half of stakeholders suggest that LeO has the advantage of being open and transparent, consultative and accessible. More than four in ten also suggest LeO compares well on independence and impartiality and sharing knowledge and learning.

By contrast, it is more on a par with other schemes in delivering stakeholder confidence and on its timeliness of responses.



Overall, there are relatively few dissenters; none of the stakeholders rate LeO as comparing 'very poorly' on any of the listed measures. However, there remains a relatively sizeable proportion, between a fifth and a third, whom simply can not compare LeO to other schemes.

Appendix