

<b>Meeting</b>	OLC Board	<b>Agenda Item No.</b>	4
		<b>Paper No.</b>	129.3
<b>Date of meeting</b>	18 October 2023	<b>Time required</b>	10 minutes
<b>Title</b>	<b>Service Complaint adjudicator's interim report</b>		
<b>Sponsor</b>	Steve Pearson – Deputy Chief Ombudsman		
<b>Status</b>	<b>OFFICIAL</b>		
<b>Executive summary</b>			
<p>Board will find attached the Service Complaint Adjudicator's (SCA) interim report which provides a summary of the complaints which have been escalated to Stage 3 of LeO's service complaints process.</p> <p>The SCA report acknowledges that LeO's service complaints team has been making significant inroads into an historic backlog of service complaints and provides assurance that the reviews the team are carrying out remain of a high standard.</p> <p>The report repeats a point made previously about a potential single point of failure at Stage 2 of LeO's process but also acknowledges that plans are already in place to address that risk going forwards.</p> <p>The report also acknowledges the work that has been done to ensure that only complaints that fall within the remit of LeO's service complaints policy are accepted for review and escalated through to the SCA.</p>			
<b>Recommendation / action required</b>			
Board is asked to note the content of the SCA report			
<b>Equality Diversity and Inclusion</b>			
<b>EDI implications</b>	<b>Yes</b>		
The findings of the SCA report do reflect on the way that LeO's service impacts individual customers and talks to the impact of reasonable adjustments for protected characteristics			
<b>Freedom of Information Act 2000 (Fol)</b>			
<b>Paragraph reference</b>	<b>Fol exemption and summary</b>		
<i>Paragraph 5</i>	<i>For redaction - This paragraph contains specific service complaint case references which could, if disclosed enable a third party to obtain information relating to individual LeO customers in breach of DPA and GDPR Fol Exempt: S.41 Information provided in confidence</i>		

Annex 1	The information in Annex 1 contains information which will be published at the end of the year as part of the annual report and accounts. Fol Exempt S.22: Information intended for future publication.
Annex 2	.For redaction in accordance with S.40 FOIA in annex 2 contains personal information, provided in confidence, which if published externally could result in an individual customer being identified in breach of DPA and GDPR. Fol Exempt S.40 Personal Information.

## Service Complaints Adjudicator’s Mid-Year Report 2023/2024

### Introduction

1. This report sets out a summary of matters arising from the cases I have dealt with at stage 3 of the service complaints process since April 2023, and an overview of service complaints more generally during this period (Annex 1).
  
2. I have issued reports in five cases, and I provide a brief summary of the issues in Annex 2. Two complaints were made by legal service providers, and three by consumers of legal services. The main matters complained of relate to delays (both in the lawyer complaint and service complaint) and the level of compensation offered for poor service. One complaint was that the LeO failed to make a reasonable adjustment. In three of the five complaints, there was underlying concern with the decision reached in the lawyer complaint. In two of those, the customer sought to have the lawyer complaint reopened, not only at the time they approached the Service Complaints Team, but also in their correspondence with me. In these instances, customers simply did not accept what they had been repeatedly told about the remit of the service complaint process.
  
3. In four complaints the primary, or a key reason for requesting escalation, was that the complainant disagreed with the compensation offered at earlier stages. Overall, I find that the Service Complaints Team make appropriate assessments. There was one case where I would have recommended a reduced sum (and having explained this, did not do so, because I thought it unfair to prejudice the complainant for having escalated her complaint with a genuine view that the extent of her loss had not been reflected in the award). My view was that the compensation included the frustration and stress arising from the decision in the lawyer complaint, with which the complainant disagreed. There were two cases in which I recommended an increase in compensation. In each of these, I did so because I took a different view as to the impact of

the unreasonable service. Further detail is provided in Annex 2. These assessments are by their nature, variable, and involve a decision as to where the customer's individual circumstances fit within the LeO's remedy guidance. This is not an exact science.

4. Whilst my work load in the first half of this year has been similar to previous years, I am informed that I should expect a slight increase in the number of complaints escalated, as the backlog of service complaints at stage 1 is starting to clear and a proportion of those cases will inevitably escalate to later stages.

Service improvement/development

5. 

6. Recruitment took place within the Service Complaints Team in November 2022, and the complaint responses that I have seen from new team members have been well written and clear.

7. I previously raised a lack of consistency in approach to whether unavoidable delays due to demand for the service, both in lawyer complaints and service complaints, amount to poor service. This remains an area with some ongoing inconsistency, however the approach is to acknowledge the wait time is beyond that which the service aims for, with ongoing work being undertaken to reduce it. Wait times for investigation of service complaints have reduced considerably recently, following recruitment to the team and utilising resource from other areas of the business. Wait times for stage 1 complaints are now down to two months.

8. I have also previously suggested that the service considers whether the current four stages of the service complaint process is proportionate, noting

that the trend in many organisations has been a reduction in the number of stages, which in turn can bring efficiencies. Of course the quality has to be maintained, which is where a balance needs to be struck. I am informed that no decision has yet been taken, however a proposal is in progress, which will come to the board in due course.

### Overall Impression

9. I am pleased to report that the quality of stage 1 and 2 responses I have seen has generally remained high. Responses are transparent, customer focussed and acknowledge shortcomings in service where appropriate. Where the service complaints process cannot assist customers, they are informed of the reasons for this. Some nevertheless chose to make ancillary service complaints, which skirt around their primary dissatisfaction (i.e. dissatisfaction with the outcome in the lawyer complaint). These tend to be the types of complaint which reach me, because the process has not (and cannot) achieve the outcome the customer hoped for.
  
10. An additional positive point to note is that I have not had matters escalated to me that are not service complaints. Previously, I have reported that in some instances, customers who have not been assisted by the service complaints process have had their concerns escalated to me, even though their concerns do not fall within the service complaints remit. I have produced reports simply saying that the concerns are not matters I can deal with in accordance with my terms of reference. I understand that there were some internal discussions after I raised this in April, as those customers' concerns would need to be picked up by other areas of the organisation. It is positive that I have seen no further instances in cases escalated to me in the last six months.

Susan Bradford  
Service Complaints Adjudicator  
October 2023