

30 July 2015

To whom it may concern,

Thank you for giving us the opportunity to feedback on your consultation regarding the proposed amendment to Bar Standards Board (BSB) powers.

Overall, the Legal Ombudsman supports the proposals and encourages the development of clear, consistent and suitably robust powers. In general we support the alignment of regulatory and disciplinary powers where this enhances consumer protection and reduces consumer confusion. We therefore welcome these proposals which would bring the BSB in line with other regulators.

As the legal landscape and business structures continue to adapt and evolve, the need for intervention becomes more apparent. We are keen to see relevant bodies being able to take quick and efficient action in the interests of consumer protection.

Recent operational experience has reinforced to us that the loss of files can have a major impact on our ability to investigate complaints. It also places the burden on the complainant to provide documentary evidence. In a number of cases client files may have been protected if the BSB had had the power to intervene more quickly benefitting both the consumer and our investigations.

The Legal Ombudsman supports the proposal to place disqualification power on a statutory footing. We have recently received complaints about a chambers where work was carried out by employees there who were not barristers. We could only consider and accept complaints about work the regulated barristers had carried out and therefore were limited as to what we could investigate. These examples were in immigration matters where consumers were particularly vulnerable and, with the view to improving access to justice, we would encourage the BSB to exercise the power to disqualify both regulated and non-regulated individuals.

We also encourage the proposed information gathering powers and consider that clear, strong and consistent powers would be a positive development, bringing the BSB in line with other regulators and lessening consumer confusion. Information gathering is key to our business and, providing the information is consistent, we consider this to be beneficial.

The logo for the Legal Ombudsman. The word "LEGAL" is written in a bold, pink, sans-serif font. A large, elegant, pink cursive flourish starts from the top right of the letter 'L' and loops over the top of the word "LEGAL". Below "LEGAL", the word "OMBUDSMAN" is written in a black, all-caps, sans-serif font.

The Legal Ombudsman welcomes the proposed power to establish compensation arrangements. To reduce risk of consumer detriment we support and welcome any regulatory improvements which future-proof their powers and mean the BSB can react more quickly.

Finally, whilst it is not yet clear whether the proposed changes would have an impact on our jurisdiction we would encourage the BSB to work with us to clarify how authorised entities and individuals will be dealt with by us and how this can best be communicated to the profession.

Thank you for giving us the opportunity to feed into these discussions. If you have any queries about the points raised please contact Katherine Wilson, Policy and Research Associate: katherine.wilson@legalombudsman.org.uk.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ken Young', written in a cursive style.

Ken Young
Interim Head of Policy and Communications

www.legalombudsman.org.uk