

Executive Summary

This report sets out the outcome of the service complaints I have considered this business year for the Legal Ombudsman (LeO).

2018-19 service complaint workload

I considered 25 complaints about LeO's service this business year, which included 258 individual issues of complaint that were within my remit.

I supported 35 individual issues of complaint (13.5%) in 16 cases I looked at. That is a slight reduction of 1.5% on the year end position last year (15%).

However, this year has seen a significant increase in the number of Stage 1 complaints and the reasons for that are not yet clear. It has also seen an increase in the number of cases progressing from Stage 2 to me. While it remains the case that overall I have been satisfied with the Stage 2 responses, I have identified issues with some aspects of the Stage 2 complaint investigations and have made recommendations accordingly.

A breakdown of the service complaints I have seen are set out in the main body of this report.

Areas for service improvement

I have made 12 recommendations for service improvement and I am pleased to report on the action LeO has taken in response to my recommendations which can be found in Annex A to this report.

Overall impression

As in previous years, the majority of complaints are resolved at the first two stages of the complaints process and do not come to me. Overall the decisions and explanations provided at the first two stages of the complaints process are appropriate. There is some room for improvement at Stage 2, and recommendations have been adopted to take those forward.

Introduction

This report sets out in more detail the findings of the service complaints I have considered this business year.

2018-19 SERVICE COMPLAINT WORKLOAD

There were a total of 183 service complaints received by LeO at Stage 1 of the service complaints procedure; 45 were referred to Stage 2 for consideration by a senior manager; and 28 were referred to me. I have investigated 25 complaints (one was open at the start of the year, one was withdrawn, and three were open at the end of the year).

The table below provides information about the number of service complaints received at each stage over the last four years.

Year	Number of complaints Stage 1	Number of complaints Stage 2	Percentage Stage 1 to 2	Number of complaints Stage 3	Percentage Stage 2 to 3
2015/16	98	33	34%	12	36%
2016/17	118	51	43%	21	41%
2017/18	129	42	32.5%	20	47.5%
2018/19	183	45	24.5%	28	62%

Before turning to the complaints I have investigated, I wanted first to highlight the significant increase in Stage 1 complaints received this year. Last year LeO received 129 Stage 1 service complaints, and this year it has risen significantly to 183. It is not yet clear the reason for that and LeO is currently looking into this. It could well be connected to the introduction of the Customer Experience Specialist who now deals with all Stage 1 service complaints.

What is pleasing is that the percentage of those complaints going to Stage 2 is at its lowest level for the last four years at (24.5%). Previously it has been as high as 43% (in 2016/17). On the whole, I have been satisfied by the responses provided by the Customer Experience Specialist and the level of investigation that has been undertaken.

However, it is disappointing to see that there has been a significant increase in the number of cases going from Stage 2 to Stage 3. I received 20 new service complaints in the second half of the business year alone.

While I have been generally satisfied with the responses at Stage 2, I have also noted a couple of areas for improvement. Those have included ensuring that the complainant

is contacted to clarify their concerns and paying attention to detail in terms of the evidence on file.

The 25 service complaints I considered raised in total 258 individual issues of complaint about LeO that were within my remit. I supported 35 individual issues of complaint (13.5%) in 16 cases I looked at. That is lower than last year, which was 15%. It is worth keeping in mind that I did not support 86.5% of the individual issues of complaint that were put to me.

SERVICE ISSUES

As I set out above, in 16 of the 25 cases I looked at, I found areas where LeO's service could have been better and an appropriate remedy for that had not been offered earlier in the complaints process. I have upheld the following complaint types:

Service Complaint Area	Number of upheld complaints
Delay and failure to update	5
Service complaints process	6
Content of service complaint response	9
Attention to detail	7
Issues with communication with the parties	4
Handling of information requests	3
Miscellaneous	2

Delay

I have seen a number of cases this year where delays have been an issue. This is not reflected in the number of cases I have upheld because on the whole, complaints about delay have usually been accepted and remedied before the complaint comes to me. However, I have been disappointed to see increasing delays in complaints being allocated to an investigator this year, as well as delays in complaints awaiting an ombudsman's decision.

What has been pleasing to see is an improvement in the information provided to complainants while their case awaits an ombudsman's decision and an improvement in wait times as the year progressed. However, in terms of the cases awaiting allocation, what has been disappointing is that the customer's expectations have not always been managed well and they have not always been regularly updated.

Service complaints

I have upheld a number of complaints this year about the service complaints process. In terms of delay these have often been because complaints have not been referred to the relevant team to process.

However, as I have set out above, there have been issues in terms of the Stage 2 complaint responses not always reflecting the evidence in the case. There have been individual incidences of misunderstanding and/or a lack of attention to detail. In addition, customers were not always contacted to clarify their concerns as part of the Stage 2 complaint investigation. I have made recommendations accordingly that have been adopted, and this should be set against my view that on the whole the Stage 2 complaint responses have been appropriate and fit for purpose.

Attention to detail

I have seen seven individual incidences where attention to detail had been an issue. This might suggest that investigators are not always able to give the attention to detail that they need to progress their cases effectively, or it could be isolated incidences of human error. However, this remains an issue that will be worth keeping an eye on in the coming year.

Communication with the parties

I am pleased to report that this year I have not upheld any complaints where LeO has failed to tailor their correspondence to meet the needs of the parties. That has been a feature in my reports previously.

REDRESS

During this business year I have made the following recommendations for redress:

- Chief Ombudsman apologises for the service issues I have identified;
- Compensation of £1,600 related to seven cases; and
- For a complaint about a firm to be considered, as it had been missed previously.

Despite that, I have been generally content with LeO's approach to redress. It is only in one case that I reached a different view on whether a financial remedy would be appropriate.

SERVICE IMPROVEMENTS

I am pleased to report that I have again found LeO to be very receptive to my suggestions for service improvements, and that it has taken action to implement them or to remind staff about policies and procedures already in place. I attach as Annex A the improvements that have been put in place or are being considered this year. I made 12 suggestions for service improvements this business year.

Conclusion

As in previous years the majority of complaints are resolved at the first two stages of the complaints process and do not come to me. While I have not upheld the full decision made in 16 of the cases I have seen, overall the decisions and explanations provided at the first two stages of the complaints process are appropriate. There is some room for improvement at Stage 2, and recommendations have been adopted to take those forward.

I am again pleased that where I have had concerns about the service provided, LeO has apologised for that and have agreed to the remedies I recommended.

I am also very pleased that LeO has continued to be receptive to the service improvements I have suggested and has taken or is taking those forward.



Claire Evans

Service Complaint Adjudicator

Annex A: Recommendations and actions

LeO has either agreed to the following changes in service or reminded staff about policies and procedures already in place. The recommendations for service improvement do not necessarily link with complaints I have supported but are separate issues I have noted as part of my review.

Recommendations for service improvement	LeO's actions following recommendation
<p>To ensure that complainants who do not use a LeO complaint form are aware that their details will be passed to an external survey company. (That information is contained in the complaint form but is not readily available elsewhere.)</p>	<p>All complainants are now required to submit their complaint using LeO's complaint form. The online Customer Assessment Tool also requires completion of LeO's complaint form.</p> <p>Where complainants are identified as vulnerable and LeO provides assistance to present their complaint, LeO has updated the template letter sent at assessment to include details of the data privacy notice. And so, going forward, all complainants should be aware of how their information will be handled.</p>
<p>To remind staff of the importance of confirming the scope of a complaint with the parties.</p>	<p>LeO reminded staff about this in a News in Brief Article. In addition the "Setting Standards" training was delivered to all investigators in Q2, as was effective telephone skills training. Both of those pieces of training included scoping and agreeing the complaint</p> <p>Scoping and agreeing the complaint is also now a key milestone check in LeO's supervision model pilot and so is a 'safety net' to ensure that complaints of this kind do not happen going forward.</p>

<p>To ensure that investigators let customers know the estimated timeframe to receive an ombudsman’s decision and whether they will be updated within that time.</p>	<p>The timescale for issuing all low and medium complexity final decisions is now very short. LeO is now centrally providing the timescales for high complexity final decisions to all staff and they are updated regularly. Automated messaging is also reviewed and used where appropriate.</p>
<p>To consider changing the deadline given to respond to service complaints to one month from the date of receipt rather than one month from the date of allocation.</p>	<p>Unfortunately due to the increased volume of complaints LeO is receiving at Stage 1, it is unable to take this recommendation forward at the moment. However, it will revisit this in the new financial year.</p>
<p>To ensure that staff are reminded of the importance of not making personal comments about the parties on file.</p>	<p>LeO will be publishing a reminder for staff about this matter in a forthcoming issue of News in Brief.</p>
<p>To remind investigators and ombudsmen that unless a service complaint is relevant to the decision they are making on a complaint then it should not be shared with the other party.</p>	<p>LeO will be publishing a reminder for staff about this matter in a forthcoming issue of News in Brief.</p>
<p>To remind staff to ensure that all the appropriate and relevant jurisdictional checks have been completed, and that this is checked when a case is passed from one investigator to another.</p>	<p>LeO will be publishing a reminder for staff about this matter in a forthcoming issue of News in Brief.</p>
<p>To remind staff undertaking service complaint investigations to ensure that the basis of their decision makes sense in the individual circumstances of the case. They should avoid using stock phrasing that is not appropriate.</p>	<p>LeO is currently preparing internal guidance around this issue and this will be issued to staff who deal with service complaints.</p>
<p>To ensure that staff undertaking service complaint investigations are reminded of the importance of considering all correspondence carefully to ensure all service complaint issues are picked up on and addressed.</p>	<p>LeO have taken action to ensure that those who are allocated service complaints are reminded of the importance of addressing all service issues in their review. Investigators are also now advised to review all correspondence on the service complaint file before contacting the complainant or starting their investigation.</p>

<p>To remind investigators about expectations for the level of explanation they should provide when giving their initial views on a case.</p>	<p>This will be covered in the Quality Assurance Framework that is due to be published in the future.</p>
<p>To ensure that Stage 1 and 2 complaint responses make it clear that the complainant has one month to progress the complaint to the next stage.</p>	<p>This is now included in the response templates and so should not happen again.</p>
<p>To ensure that members of staff handling service complaints are reminded that they should contact the complainant to clarify their concerns as part of the complaint investigation process.</p>	<p>LeO now advises staff investigating service complaints to contact the customer to ensure their understanding of their service concerns are correct.</p>