

| | | | |
|------------------------|------------------|------------------------|------------|
| Meeting | OLC Board | Agenda Item No. | 7 |
| | | Paper No. | 100.6 |
| Date of meeting | 28 November 2019 | Time required | 15 Minutes |

| | |
|----------------|--|
| Title | Feedback to the Profession - Update |
| Sponsor | Mariette Hughes, Head Ombudsman |
| Status | OFFICIAL |

| |
|--|
| Executive summary |
| <p>The Legal Ombudsman has two overriding statutory functions contained in the Legal Services Act 2007: to resolve complaints about legal services and to feed back learning to raise standards. This paper provides an update on the emerging approach to the second of these two functions, which is evolving in light of growing stakeholder interest in this work. The Draft Budget for 2020/21 which has been passed to the LSB for review at the meeting of the LSB Board on 26 November 2019 contains enhanced resources in line with the direction of travel described in this report.</p> <p>Appendix A sets out in detail the work that has been completed in this area since April 2019 as well as work scheduled for the rest of the financial year.</p> |
| Recommendation/action required |
| Board is asked to NOTE the approach and the next steps. |

Feedback to the profession

1. A key element of the work undertaken by the Legal Ombudsman is feedback to the profession, alongside the wider programme of stakeholder engagement. This important work has the aim of building confidence in the sector and therefore improving access to justice. A summary of the work undertaken to date in 2019/20 is attached at Appendix A.
2. The training courses run by LeO for the profession focus on first-tier complaints handling and best practice. They are intended to help service providers understand the Legal Ombudsman's investigation process and how to introduce different aspects of complaints handling and customer care, and this is achieved using a combination of case studies, Q&A sessions and presentations.
3. Evaluation of these courses is consistently positive, and sessions are often oversubscribed. Anecdotal feedback from service providers indicates that they value the discussions focused on real life examples, and many providers indicate that they will be proactively reviewing their complaints handling following their attendance on a course.
4. Positive responses have also been received to the enhanced guidance that has been released over the last two years. The new guidance on how LeO determines reasonable service and appropriate remedies has been particularly well received - at the recent COLP/COFA conference, all delegates who spoke with LeO indicated that the new guidance was extremely helpful in understanding LeO's approach. In addition, the guidance on the emerging issue of cybercrime led to a service provider proactively contacting LeO to seek assurance and advice as to how they could ensure they provided a reasonable service. Furthermore, a 'state of the nation' report is currently in development, which seeks to contextualise some of the annual complaints data, and provides a focus on a particular area of law.
5. LeO's contribution to wider stakeholder events such as with regulators and professional bodies is always well received and actively sought. These interactions demonstrate LeO's willingness to engage and ensure that the organisation has a voice in the wider legal landscape. As an example, a positive working relationship with the SRA has enabled LeO to contribute to case studies in advance of the impending Handbook reforms.

6. Whilst it is known that LeO's current provision of feedback and resources is well received, it is also known that there is more that needs to be done. Currently, direct feedback and interaction is limited to those who wish to access our support. In order to effect real change in the market, there is a need to be able to build positive relationships with more service providers, along with providing an enhanced range of different resources. It is also recognised that change in the sector will be most effectively achieved by engaging with those who do not currently fully appreciate the impact of poor service and/or the importance of good complaints handling.
7. LeO wants to be able to provide more help for service providers when things go wrong, but there is also an ambition to (a) play a role in raising standards across the board – and part of this involves feeding back learning and tips from casework, and (b) to be able to provide more comprehensive information and insights to the regulators about observations made. Whilst all regulators receive regular data reports detailing all complaints received by LeO, it is recognised that stakeholders are not always able to interrogate this data to identify key issues, and would appreciate more useful and tailored information for their use. In this way these relationships can be improved to can work together with others to raise standards.
8. In order to improve provision, there is a need to be able to invest resources into this area of work. The OLC's Draft Budget for 2020/21 includes increased staffing and budget for feedback work to enable the provision of more targeted, focused feedback and insight. Through this LeO will be better placed to demonstrate the contribution made to raising standards in the legal services sector and to the wider rule of law.
9. In 2020/21 LeO will begin to restructure organisational learning through building systematic learning into the process. Collaborative stakeholder relationships will also be strengthened through greater sharing of data and learning, as well as providing more and better resources to encourage the resolution of complaints at first tier. One of the key deliverables for next year will be setting up an advice line and direct liaison service with firms and individual providers to give them tailored support.

APPENDIX A - Work undertaken in 2019/20

| | |
|------------------------------|---|
| Data and Reports | <ul style="list-style-type: none"> - Annual publication of complaints data, including Welsh data - Updated costs guidance - Guidance: complaints involving negligence - Quarterly LeO Newsletter <p><u>Scheduled:</u></p> <ul style="list-style-type: none"> - Welsh data review - Review of annual data and focus on family law - Immigration thematic |
| Face to face events | <ul style="list-style-type: none"> - 2 x LeO courses - 3 x events with Legal Network Wales - Sole Practitioners conference - Ombudsman Association conference - Society of Licensed Conveyancers annual conference - International Conference of Legal Regulators - COLP/COFA conference - Webinar with the Council for Licensed Conveyancers (CLC) - Law Society podcast - Joint event with Bar Council - Manchester Law Society – presentation to committee meeting - Presentation to Legal Services Consumer Panel (LSCP) - LSCP Quality Indicators Roundtable - Visits to LeO office: <ul style="list-style-type: none"> - LSCP - Law Society - CLC <p><u>Scheduled:</u></p> <ul style="list-style-type: none"> - 2 x LeO courses - Presentation – Law Society Regulatory Policy Committee - Law South Group - CLC annual conference - Westminster Legal Policy Forum – future of legal regulation - Joint V Law Society - The Property Ombudsman – consumer forum |
| Articles/case studies | <ul style="list-style-type: none"> - Quarterly editorials for Modern Law Magazine - Solicitors Journal – CEO profile - LinkedIn – mediation piece - Law Society – compliance and costs - CILEx – CEO piece, costs piece - Q3, various guidance/articles with the SRA and Law Society on SRA handbook. <p><u>Scheduled:</u></p> <ul style="list-style-type: none"> - Manchester Law Society Messenger – Head Ombudsman profile |

| | |
|--------------------------------|---|
| Website | <u>Scheduled:</u> <ul style="list-style-type: none"> - Development of new website platform - Profession page to include more integrated publications to support first-tier complaints handling - Consumer/service provider pages will provide clearer information about LeO and our process, and will support them through the stages of complaining |
| Regulator specific data | <ul style="list-style-type: none"> - All regulators receive live case data about their members (consumer anonymised) covering a rolling 12 month period. This provides information about the stage of complaint, what is complained about, outcome, and how it is resolved. These are monthly or quarterly depending on the size of regulator (or as new complaints arrive for The Faculty Office, IPReg, ICAEW, CLSB) - Ops Support will be working with regulators in Q3 to demonstrate the refined data reports they receive and how to use them |
| Conduct referrals | <ul style="list-style-type: none"> - Conduct referrals are sent to regulators at the point at which an investigator or ombudsman believes there is potential misconduct on an individual case, or where a pattern with a particular firm gives rise to concern. - We send the SRA approx. 100-150 conduct referrals per year, and have been working with them recently on how to track these better |