

<b>Meeting</b>	OLC Board	<b>Agenda Item No.</b>	5
<b>Date of meeting</b>	27 April 2020	<b>Time required</b>	30 minutes

<b>Title</b>	<b>COVID-19 Business Continuity Planning</b>
<b>Sponsor</b>	Mariette Hughes, Head Ombudsman
<b>Status</b>	OFFICIAL

<b>Executive summary</b>
The ongoing public health crisis relating to Covid-19 was declared to be a Level 3 incident in line with the Legal Ombudsman's Business Continuity Planning on 17 March 2020.
This paper provides assurance on the process followed, and sets out the key actions taken, the governance processes in place, and the forward planning for standing down and returning to business as usual.
<b>Recommendation/action required</b>
Board is asked to <b>NOTE</b> the paper.

27 April 2020

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# Covid-19 – Business Continuity Planning

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## 1. Introduction

- 1.1. The ongoing public health crisis was declared to be a Level 3 incident in line with our BCP on 17 March 2020. This decision was communicated to OLC Board the next day, and a Command Team was appointed to deal with the crisis.
- 1.2. Immediate actions were taken to ensure the availability of laptops and other IT equipment to enable staff to work from home as soon as possible. Communications were issued to all staff advising that they could elect to work from home going forward should they wish to.
- 1.3. Over the next 5 working days all departments took the required action to ensure their functions could operate from home with no loss of service. As a result, when full lockdown was announced by the Prime Minister on Monday 23 March at 8pm, all LeO staff were already set up to work from home, allowing us to immediately cease operations from Edward House.

## 2. Command Team – governance and assurance

- 2.1. Command Team meet daily to review the Command Team planner document. This document sets out the following:
  - **Key risks**, root causes and effects, and mitigations;
  - **Action log**, which references the specific risks to which each action relates;
  - **Decision log**, recording all formal decisions made by the command team, with links to appropriate evidence and/or risk balance documents;
  - **Communications log**, recording all internal and external communications relating to the situation (full copies of which are stored on file), and
  - **Questions** raised by staff for consideration.
- 2.2. During the daily meetings, updates on actions and risks are provided by relevant owners, and any decisions taken are documented. Questions from staff are considered and, where appropriate, added to the logs for formal decisions and communication.

2.3. Command Team also populate and review two separate documents, which record loss of available resource and direct costs incurred as a result of Covid-19.

### **3. Risks**

3.1. There are currently 16 key risk areas associated with the pandemic. Each of these have been analysed in terms of the root causes and potential impacts, and these risks are owned and updated by the relevant members of Command Team. The risks are considered as a cohesive suite of risks and have been analysed in terms of their impacts on each other as well as on the business as a whole.

3.2. The Business Performance Manager has presented the risk register to MOJ, who are content with the identification of risks, the associated scoring and agree with the assessment of our top risks. The top six risks associated with the pandemic relate to:

- ability to progress cases;
- operational efficiency and productivity;
- ability to access IT systems and infrastructure;
- ability to train new starters;
- potential for reputational damage, and
- staff wellbeing.

An extract from the risk register detailing the top risks is at Appendix 1.

3.3. The mitigations currently implemented have reduced the overall risk score by 27% at the time of writing and have moved four of the top risks to amber, and the other to green. The risk register will be kept under continuous review, and the residual risk scoring is anticipated to drop further as mitigations take effect.

### **4. Communications**

4.1. Ongoing communications to the organisation include regular mini blogs from the Command Team, scheduled wellbeing features, and weekly all staff briefings from the Chief Ombudsman. Line managers are encouraged to touch base with their team daily where possible.

4.2. A set of detailed FAQs addressing key concerns around the crisis, working from home, pay and other operational concerns was published on Friday 20 March, 2 working days in advance of lockdown. This document is reviewed and updated daily and has been well received by staff.

4.3. Messages in relation to the Legal Ombudsman's operation have been placed on the website and on social media. A message has also been sent out directly

to key stakeholders. This message is scheduled for regular review by the Command Team as the situation develops, and the organisational approach evolves.

- 4.4. Guidance has been made available to the profession, explaining the approach the Legal Ombudsman will take to the handling of complaints, and answering the queries already received from various service providers and regulators.

## **5. Current situation and impacts**

- 5.1. The pandemic has already affected operations in terms of decreased staff availability as a result of illness, or caring responsibilities. Many staff are working reduced and/or interrupted hours, which affects their efficiency and ability to progress cases smoothly. There is also evidence of reduced complainant or service provider availability, or ability to provide documents and engage with us.
- 5.2. Timeliness is also likely to be impacted, as a result of the need to give extensions to allow parties to engage with us and the disrupted hours being worked by staff. In addition, the number of cases being suspended part way through will have affect future reductions in the Pre Assessment Pool – when these cases are able to progress, the PAP will build as staff complete these cases rather than taking new ones.
- 5.3. Furthermore, the necessity of taking new cases at the start of the process as other cases suspend before resolution means that the spread of work will become more heavily weighted towards the early stages of our process. This has the potential to disrupt case holdings, which are mapped out in line with our workload management guidance.
- 5.4. It is also likely that attrition will be affected for the duration of the crisis, with staff potentially unwilling to leave a secure role, and the external recruitment environment being hindered by the lockdown restrictions.
- 5.5. The full extent of these impacts on operational delivery cannot be predicted at this stage as they are directly related to the ongoing crisis. It is not possible to forecast how long the situation will continue, nor the rate at which the business will return to normal operations.
- 5.6. Reporting has been set up to monitor the ongoing impact of lost staff availability and enable forecasting of the effects on in month delivery. Reporting is also in place to track the number of service providers affected by the pandemic and enable decisions to be made to maximise operational efficiency. These reports are discussed weekly by Command Team.

5.7. The strain of lockdown is beginning to show in the workforce in relation to mental health and wellbeing. Mitigations are in place to address this as far as possible, however it is difficult to assess the impact of this, should the lockdown continue for a lengthy period.

## **6. Looking forward**

- 6.1. Command Team have considered whether the Legal Ombudsman should stop accepting new cases, as some other organisations have done. A decision was made following this discussion that the Legal Ombudsman will continue to accept cases for the time being. The reasoning for this decision is set out at Appendix 2.
- 6.2. Detailed forecasting has been completed, demonstrating the potential impacts on delivery depending on when lockdown may be ended. Further planning sessions have been set up for the Command Team to begin collating actions to enable operations to return to Edwards House once the lockdown is ended. This includes consideration of any learning that can be taken from this experience and changes this may bring to business as usual operations.
- 6.3. Once the lockdown has ended and the level 3 situation is declared over, a lessons learned review will be carried out to look at how the Legal Ombudsman managed the situation. The organisation's BCP will then be reviewed and amended in line with the findings of the review.

## Appendix 1 – Top risks

Risk ID	Owner	Risk / Issue	Impact / Effects	Root Cause	L	I	Score	Mitigations	Update against planned mitigations	L	I	Score	Further justification / comments for non green rating risks
BCP1	DA	Inability to access IT systems	Staff unable to work from home. Staff unable to access systems securely.	Not enough physical equipment (i.e. laptops) Not enough licenses for the VPN No access to broadband internet at home address Failure of equipment at home, with remote support Lack of knowledge of the IT Tools (e.g. Skype) Sickness means no support staff. Failure of critical IT equipment in the office while on lockdown.	3	4	12	Aggressive timetable for building new laptops, reusing pool laptops and keeping old machines in reserve. (DONE) Purchase of 100 new VPN Licenses (DONE) Purchase of MyFi devices (DONE) Maintain skeleton staff in office (DONE) Guidance and FAQs for staff (DONE) Setup online IT Surgery for staff (In progress) x1 member of IT to be available to check server rooms - rotation basis (IT staff in close proximity if total lockdown is advised).	Aggressive timetable for building new laptops, reusing pool laptops and keeping old machines in reserve - <b>complete</b> Purchase of 100 new VPN Licenses - <b>complete</b> Purchase of MyFi devices - <b>complete</b> Maintain skeleton staff in office - <b>complete</b> Guidance and FAQs for staff- <b>complete</b>	2	4	8	All potential action complete. Cloud based systems are not in our control and we cannot mitigate any further.
BCP3	SP	Inability to progress cases	Customer satisfaction adversely impacted by delay Timeliness and closure targets cannot be met Increase in case reallocations	Staff become infected with Coronavirus or are caring for family members	4	3	12	Ensure staff have the choice to work from home and ensure all staff can work from home by ensuring all staff have the right IT equipment	all staff now wfh - work ongoing to ensure adequate kit available	3	3	9	Lack of work for ombudsman cohort inability to progress existing cases, risk of significant level of reallocation
			Cases do not progress beyond evidence gathering stage	Operational staff shortages due to working patterns and / or illness				Pooling QF checks to ensure maximum coverage thereby avoiding backlogs created by L1 Ombudsman availability reporting on staffing levels to ensure adequate coverage and shortfalls identified as soon as possible progressing reallocated cases as priority over as yet unallocated	Tracking info re staffing levels, impact on ombi cohort under review - budgetary constraint may impact ability to use pool ombudsmen				case progression continues to be hindered by QF delays budgetary implications of increased reliance on pool
			Increase in number of case suspensions creating bulge in casework pipeline	Customers and / or service providers unavailable due to lockdown or health / caring responsibilities				Manage expectations with the potential to suspend cases if C/SP is not available due to lockdown / closure etc	Plans re extension and suspension of cases in place				could end up starting a lot of cases with no ability to progress until after outbreak ends which could result in major bulge of work at that point
			WIP at front end of process increases	unable to keep pace with increase in demand				-	April new starters deployed into mainstream operations roles, no capacity under covid related budgetary constraints to appoint temp workers. Currently levels of demand appear to have reduced to a level where staff are able to keep on top of demand				potential impact on morale of new starters inability to recruit temps due to lockdown progression of cases impacted by reliance on cohort of new starters, the risk of their inability to get up to full speed in a timely fashion increases current risk
			Increased numbers of reallocations, suspensions and cases being delayed through Leo's inability to progress	Increased levels of absence/ lost resource either through ill health, self isolation or caring responsibilities				Understanding and monitoring available levels of resource , managing customer's expectations at earliest possible opportunity					
			Reduced operational output impacting on BCP12	New starters lack full training and capability				Dedicated induction prepared focussing workload on one area of law					
			Inability to receive documents or send post to customers via usual channels	Third party suppliers closing down impacting on service delivery as in BCP10				Regular contact with third party suppliers. A Third party supplier list has been set up seeking assurances of services plan for sending documents out by email rather than post suggest customers send documents by email where possible	Ongoing discussions within third party suppliers providing suitable assurance around continuity of service				increased risk of data breaches if documents sent direct to Leo or post sent by email address rather than 3rd party supplier increased risk if Royal mail service impacted by Covid
				Loss of post and printing functionality as detailed in risk BCP10									

Risk ID	Owner	Risk / Issue	Impact / Effects	Root Cause	L	I	Score	Mitigations	Update against planned mitigations	L	I	Score	Further justification / comments for non green rating risks
BCP4	RM / BA	Reputational damage	Performance levels dip with resultant loss of credibility and Increased scrutiny Need to reprofile RMTG quality of investigation work dips	Partial or full crystallisation of BCP3 risk  Lack of differentiation in COVID related impacts to BAU issues. Impacts of BCP 11 affect people's interactions with customers and/or decision making	3	4	12	Ensuring internal and external stakeholders expectations are being managed. Transparency and external comms explaining position and reasons	CO regular weekly update to MoJ and LSB on impacts and any changes in position. Staff updated weekly by CO. Business plan differentiates between pre-COVID issues and COVID impacts.	2	3	6	
			Increase in challenges resulting from real or perceived unreasonable case closures linking in with BCP3	Cases closed or dismissed on basis of lack of response/engagement when issues in fact created by Covid				Clarity of position on process around these closures in current situation. Clear and explicit external communication	Guidance issued to staff on suspensions and extensions and the need to communicate expected timescales resulting. Discretion and flexibility in operation to reduce need for suspension and premature closure.				
			Increased customer dissatisfaction	Poor external comms around challenges faced by Leo or service providers and resultant implications for customers high levels of reallocations customers dissatisfied when cases unable to proceed				Website and voicemail messaging to ensure our customers expectations are being managed clear comms with customers when challenges experienced by Leo either internally or from 1st Tier availability	Customers informed by investigators of reasons for suspensions and delays - suspension reports reviewed at each OMT to understand extent of impact. Reporting on need for extensions and impact in development. Website and front end customer comms active with messaging around expectations and impacts				
			Increased service complaints and data incidents, resultant public criticism	Workarounds and need to use contingency plans Cases rushed or corners cut by investigators seeking closures or struggling with volume of cases				Risk balance cases for any work arounds and risks mitigated. Behaviours and values primary performance focus, communicated by CO every week and reinforced by line managers, conversations with line management to ensure cases are manageable QAF checks should pick up in process issues	CO weekly update happening. Line manager discussions happening - individual feedback from frontline to senior leadership showing evidence of discussions. QAF still operating.				
			Sector perceive unfairness In Ombudsman continuing to operate as normal	Scheme rules and Act limit ability to make significant changes to scheme. Tier 1 limitations not taken into account reasonably				Guidance on approach and application of discretion. Clear expectations and examples of what is "reasonable" to ensure Ombudsman discretion fully and effectively utilised to mitigate COVID impacts on first tier, on evidenced basis. Effectively communicated	Guidance issued and picked up by press 16/4/20. Received as positive				
			Reputation as an employer adversely impacted	Poor handling of issues around home working captured in BCP1 and how well we respond to them. Poor handling of challenges around absence and caring commitments Increased case holdings due to suspensions				Clear comms and availability of special paid leave clear comms around handling of challenges re health and caring responsibilities consistent application of policies and guidance by leadership cohort	Comms and FAQs provide detail, CO weekly briefing reinforces messages and picks up concerns. Potential inconsistency flagged at Command Team and dealt with. Behaviours and values approach reinforced across business by CO weekly.				
			Staff feeling anxious/stressed	Not knowing what's going to happen / uncertainty				Engage with staff on a regular basis. Current area set up on LINK with regular updates	Wellbeing articles to be published on a regular basis Mini management team blogs schedule  FAQs and guidance on our approach to this  Manager daily check in / virtual team meetings	4	2	8	Cannot mitigate it entirely - can provide resources to help reduce it
BCP11	MH	Negative impact on Wellbeing	Risk of isolation	Lockdown will force people to wfh and social interaction, physical activity will be limited.				Cannot mitigate it entirely - can provide resources to help reduce it					
			Fear of performance management	Staff feeling this will impact on their own performance				Risk that approach not being applied consistently					
			Lack of visibility of staff well being	Can't see people face to face				Need managers to be able to have good quality conversations to make sure people not masking struggles					

Risk ID	Owner	Risk / Issue	Impact / Effects	Root Cause	L	I	Score	Mitigations	Update against planned mitigations	L	I	Score	Further justification / comments for non green rating risks			
BCP12	SP	Loss of efficiency and productivity	Loss of team spirit and reduction in staff morale impacting organisation's reputation as employer - BCP4	Lack of expertise in managing a remote business Management by email rather than in person - via skype Variability of working patterns across operational staff making regular contact and updates more challenging	4	3	12	Training for Leadership cohort about managing remotely encouraging use of skype, zoom, Microsoft teams to maintain team ethos Interactive sessions for all staff to join - Quizzes, blogs flexibility offered to staff to reduce levels of oversight to optimal levels	Line managers spending significant time engaging teams remotely Budgetary constraints imposed by Covid related standstill budget will make provision of training to Leadership cohort difficult to fund	3	3	9	Leadership not alive to challenges of remote working for investigators			
			Reduction in organisational output as in BCP3	Lack of experience in Management cohort of managing organisational performance by behaviours and values rather than targets				Application of Ombudsman Association Caseworker competency model	OMT working with leadership cohort				Some people within the business want very specific targets to work towards, particularly those who are in the midst of probation - the absence of specific goals to work towards and the increased levels of uncertainty could have a adverse impact on their wellbeing.			
			Performance levels dip impacting on reputation as detailed in BCP3	Operational staff struggle to progress cases efficiently due challenges posed by lack of usual office based IT equipment and loss of printing, post as detailed in BCP10				Run DSE self assessment for home working and determine how may people are effected. Work with supplier to provide a package of essential kit to staff. Offer staff chance to take office equipment home Collating data to understand impacts of lack of usual IT kit on general productivity Regular senior management team meetings dedicated on performance to commence.	Complete and considerations around provision of kit are ongoing Script for managers being drafted and published to work with the it staff to understand their DSE requirements				Some staff will not have space / ability to create dedicated office space			
			Loss of oversight of individual case holdings	Reduction in levels of available operational resource increased levels of suspensions and possible reallocations create inefficiency and failure demand in usual case holding management impacting BCP3				MI around available resource and workloads pooling resource and using staff from other cohorts where required	Data being collated on staffing to aid considerations				Chance of investigators having unworkable case holdings if level of suspensions is significant Possible impact on organisation reputation as individuals' capacity reduces due to caring commitments etc, caseloads will need to be managed downwards to ensure they are still manageable and this will, in turn, impact our ability to progress cases and maintain optimal delivery levels.			
			Staff working unusual, possibly inefficient working patterns and how this impacts on mental health and wellbeing (BCP11)	School closures / self isolating/ caring responsibilities				Flexible working, clarity of expectations around performance, support networks (EAP wellbeing champs)	This has been captured in our FAQs				Clash of working patterns means some staff will have reduced levels of management oversight			
			Staff unable to work for significant periods of time					Clarity of expectations around performance and exercise of discretion trusting staff to manage own workload with minimal levels of management input Consistent messaging from Senior Leadership	Ongoing comms around wellbeing and workload in place to ensure balance maintained - detailed in our FAQs Regular comms from Chief Omb giving consistent message.							
			Perception of micro management or inconsistent application of principles - impact BCP4	Inconsistencies amongst our leaders (actual or perceived)									Staff survey shows that some members of staff lack trust in leadership and therefore will not trust organisational messages or will hear them in a subjective manner			

Risk ID	Owner	Risk / Issue	Impact / Effects	Root Cause	L	I	Score	Mitigations	Update against planned mitigations	L	I	Score	Further justification / comments for non green rating risks
BCP14	MP / SP	Handling of new starters	Unable to maximise new starters	Lack of staff on site and IT systems not mature enough to address issues	3	4	12	Clear comms to new starters of challenges being faced Paper based packs to be circulated new starters provided with IT equipment plans in place to deliver remote sessions via skype new starters scheduled to focus on one area of law in first instance to minimise impact	induction in place, IT equipment is now delivered to enable remote induction not be delivered. Consideration ongoing as to how best to deploy new starters	3	3	9	
			Unable to adequately induct new starters and give access to necessary training.	Absences could mean that only induction given is paper based				Identifying ways to deliver remote training. IT equipment has been sourced and delivered to staff Focussing induction on one area of law rather than all, this will reduce impact on ops resource and make it easier for new starters to get up to speed.	Ops Trans team have developed bespoke induction for current circumstances to minimise impact on ops resources				A new way of delivering induction is untested and therefore we cannot know whether it will provide adequate knowledge and support to new starters
			New starters feel unsupported and thrown in at deep end (BCP11)	Line management capacity to handle and support new starters given sizes of teams (BCP11)				Work ongoing to try to reduce management burdens on team leader cohort New starters spread amongst teams	-				Due to the budgetary constraints imposed as a result of Covid, the initial plans to bring in new TL resource have been postponed - this means that team sizes have had to increase beyond current levels - the combination of managing people remotely, increasing team sizes and having to support new starters will put a significant risk on leadership and new starter cohort
			Poor operational performance from this cohort as detailed as per BCP12 Dissatisfied cohort of staff (BCP4) Increased stress levels and workload at TL cohort (BCP4)	New starters not given requisite skills and knowledge in induction and probation				As above	-				We cannot know what the impacts of the new induction and probation will have on a cohort of new starters and their ability to deliver in role and feel valued and engaged
			Potential IT Data breaches caused by new staff not understanding processes and systems	No formal IT induction and training delivered by IT as induction is happening remotely.				Training will be given on IT, acceptable use, data handling, security etc					

## **Appendix 2 – Our approach to taking cases**

### **D17 – Our approach to accepting complaints**

#### **Meeting 15 April 2020**

**Attendees** – Rebecca Marsh, Steve Pearson, Mariette Hughes, Siobhan Fennell

#### **Background**

The ongoing public health crisis has the potential to cause wide spreads impacts on the Legal Ombudsman's ability to carry out one of its core roles – the investigation and resolution of complaints. Command Team are asked to consider whether the impacts are such that the organisation should consider suspending the acceptance of new cases.

#### **Wider sector**

A number of other ombudsman schemes have either stopped accepting new complaints, or are restricting the number of cases that they accept to manage the flow of work. On the whole, those who have suspended all casework activity deal with service providers who are likely to be under significant additional pressures at this time – such as local authorities, social care providers and healthcare providers. The decision to cease work has therefore been taken in the context of not putting additional strain on keyworkers at this time.

All schemes who are ceasing or restricting work are maintaining a minimum level of cover in order to be able to identify and priorities extremely urgent cases and vulnerable customers.

#### **Considerations**

##### ***What effect will the pandemic have on our demand profile?***

It is unknown at this stage what the effect on incoming demand will be over the courses of the crisis. It is important to understand that the nature of the complaints we deal with means there is a time lag between the provision of service and the presentation of a complaint. There is a potential that, where service has already been provided, complaints may continue at our usual rate – however it is likely that, for many people, a complaint may no longer have the same importance or urgency, given everything else that may be going on. We may see an initial drop off in demand, followed by an upsurge as people return to normality.

In terms of the level of legal services being provided and the resulting number of complaints, it is probable that this will drop significantly. Two of our most common areas of law (conveyancing and personal injury) will be directly affected, as nobody is buying or selling houses at this point, and new litigation cases are unlikely to be taken on, and cannot be progressed through the courts at this time. The effect of this will not be seen in the short term, owing to the time lag described above – we are more likely to see this over the next 6-12 months.

### ***What effect will the pandemic have on our ability to progress cases?***

The current situation will impact on our own staff and their ability to progress cases, in terms of availability, illness and caring responsibilities. This is something which is being kept under review and mitigated as far as possible by Management Team. The wider impacts are that complainants and service providers may no longer be able to engage with us. They may be restricted in their ability to communicate with us, or to provide evidence. Service providers may also see impacts in terms of their ability to respond effectively to complaints at first tier.

Where either party is unable to cooperate with the investigation, the case will be suspended. The investigator will then start a new case. Mitigations are in place to ensure we are working as efficiently as possible in this regard – for example, if a firm tells us they are unable to progress an investigation, we would not start any new cases they may have in the Pre-Assessment Pool. Conversely, should a firm confirm that they are able to engage effectively, we may look to target any further cases they may have to ensure we are picking up the cases that we can actually progress.

### ***What would be the effects of no longer accepting new cases?***

If we entirely shut down our channels of communications and cease dealing with incoming contacts, GET will run out of work once their current WIP is cleared. Consideration would need to be given to redeploying them. This option also carries a risk that we will face a flood of complaints when we re-open. We would lose the ability to track incoming demand, and would have no way of identifying urgent cases or extremely vulnerable customers.

Were we to keep communication channels open, but cease adding cases to the pre-Assessment Pool, this will affect the service levels in GET, as they would be unable to effectively clear the decks by progressing cases through to the PAP. Alternatively, they could progress cases as far as possible, but not add them to the PAP – this would simply build up a new queue somewhere else.

Either of these scenarios would see a reduction in the PAP as investigators continue to take new cases, with no new files added to replace them. However, this is of no benefit, as the work will simply be building or waiting somewhere else.

As it stands the Legal Ombudsman is able to maintain a reasonable level of service.

There is a risk around reputational damage, should we cease working without clear reasons in place.

### ***What would be the effects of ceasing to progress existing cases and start new investigations?***

If we are still adding new cases to the PAP, but no longer investigating or resolving complaints, the PAP will build. If operations at all stages in the business cease, the PAP will remain static.

All operational staff would run out of work once their WIP is cleared, and consideration would need to be given to furloughing or redeploying staff. As above,

there is a risk around reputational damage, should we cease working without clear reasons in place.

### ***What would be the effects of continuing business as usual?***

We will continue to see a number of cases being suspended because the parties are unable to engage with us. However, some cases will be resolved, contributing to the overall delivery plan, and taking cases out of the PAP as these are replaced.

Operational delivery staff are likely to see a drop in the number of files they are able to close, due to disrupted working patterns, caring responsibilities, extensions, suspensions and delays. If this happens and we continue to add new cases at the front end, the PAP will grow – albeit at a lower rate than if all investigation activity were to cease.

Continuing to operate as usual will allow us to identify any new, urgent cases, or extremely vulnerable individuals in need of assistance.

It must be noted that, as the number of suspension grows, our ability to reduce the PAP once lockdown is ended will be diminished. This is because the cases that were previously suspended will return, and will take precedence over those waiting in the PAP.

### ***Are there any wider considerations?***

The Legal Ombudsman provides a valuable service to the public, providing access to redress where things have gone wrong. Should we cease operations, public confidence in the legal sector could be undermined.

Whilst we recognise that there may be an increased number of cases we are unable to resolve at this time, there will still be people we can help, and that we should be helping. Failure to provide our service will negatively impact our customers.

The Legal Ombudsman has a responsibility to use public money responsibly. Although we may not be able to work as efficiently as we would normally expect, there is a risk that ceasing operations and/or furloughing staff is seen as an improper use of public money.

### **Conclusions**

Although the current situation may have a number of impacts which render the conditions less than ideal, there are insufficient benefits and a number of risks associated with the Legal Ombudsman ceasing to accept new complaints. **It is therefore recommended that the organisation continue with business as usual as far as is possible**, with the caveat that the effects of the pandemic in terms of our ability to progress cases continue to be monitored closely. This decision can then be reviewed as the situation develops.

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**Decision D17 to accept the recommendation of this paper agreed by Command Team on 17 April 2020.**