**Response by The Society of Licensed Conveyancers to the Legal Ombudsman Business Plan and Budget consultation 2021/22**

*The Society of Licensed Conveyancers (‘the Society) is the professional body representing Licensed Conveyancers and Licensed Probate Practitioners, as regulated by the Council for Licensed Conveyancers.*

**Consultation questions:**

**Priorities: Have the right priority areas for the Business Plan been identified? If not, what should the Legal Ombudsman be addressing?**

*Broadly, the Society agrees that you have identified the right priority areas for the Business Plan. The Society also supports you continuing with your current strategic objectives.*

*The Society was struck by the honest assessment in the consultation paper of the Legal Ombudsman’s current situation, how reflective it is of past failings, and its ambitions, albeit conservative, for the future.*

*Priority 1 – resolving complaints within 3 months or sooner of commencing an investigation is crucial both to the consumer and to the service providers. Whilst the COVID19 pandemic has resulted in an increase in suspended investigations the ‘wait time’ generally, even before COVID19, was of concern, with many investigations taking over six months to finalise. This adds frustration to the consumer journey and unnecessary pressure on the service providers.*

*It is difficult for the Society to argue against a Priority that looks to improve productivity, heighten operational capacity and reduce the ‘wait time’. The Society regards this as the key Priority of the 2021/22 Business Plan. The Society supports the recruitment of more experienced and capable staff who can ‘hit the ground running’ to make an immediate impact on the number of outstanding investigations.*

*The Society does not envy the challenges facing the new Chief Ombudsman and new Chief Operating Officer in meeting this Priority. The Society hopes for but does not expect the Legal Ombudsman to reach ‘break even’ by August 2023 but fully supports the attempt.*

*Priority 2 – again the Society accepts that exploring other options for resolving complaints should be undertaken. However, the Society expects the Legal Ombudsman to only pilot alternative processes that, based on their use by other Ombudsmen services or through respected research findings, have been shown to make a significant impact on the resolution of complaints.*

*The Society will support the introduction of a standard approach to information requests. The Society will welcome the opportunity to be involved in the development of that approach.*

*The Society and its members are conversant with various adjudication models and again will welcome the opportunity to help develop an appropriate approach in that regard.*

*Priority 3 – the Society acknowledges that a key function of the Legal Ombudsman is to share its learning and insights from the work it undertakes. The Society accepts that service providers must take on board such learning and insights to ensure that the services delivered to their consumers are of the highest standard.*

*However, whilst it is important that the service providers are actively engaged in this regard, the Legal Ombudsman should also take steps to better educate and inform the public of the legal services sector, either on its own or through the regulators. The Society’s members struggle, at times, with the Legal Ombudsman accepting complaints that are clearly vexatious or have little to do with service issues and more to do with technical legal matters. The Public requires a fuller understanding of the work undertaken by lawyers, what the public is paying for and what justifies the making of a complaint.*

*The Leasehold Advisory Service offers online learning resources to members of the public who are either landlords or tenants. Those same resources are available to lawyers. Perhaps, the Legal Ombudsman can look to offer similar online resources, covering its activities, not just to the service providers, but to members of the public.*

*The Society agrees that the Legal Ombudsman working more closely with firms generating larger volumes of complaints is worth pursuing. However, this must be done in a proportionate way. Service providers with a significant client base will, by their very nature, generate more complaints. Plus, more consideration should be given to working with service providers whose complaints fall into a pattern rather than by volume.*

**Budget: Is the budget set at the right level to allow the actions in the Business Plan for 2021/22 to be completed?**

*The Society does not have enough information to know whether the proposed budget is suitable or not. However, the Society recognises that for the Legal Ombudsman to achieve its priorities it must have a budget it believes will do so.*

*Any increased budget is generally unpalatable to the Society as the increase will be reflected in the practising fees paid to the regulators. The Society seeks regulation at a cost that is fair and reasonable and without imposing too great a financial burden on the service providers. Increased regulatory fees will result in the costs to consumers increasing.*

*The 19% proposed increase from the current budget is considerable given the current climate, and ordinarily would not be supported by the Society. However, believing that the Ombudsman has acknowledged its past failings, the Society is willing to accept the proposed budget in anticipation of the priorities being met over the next two years. If not met, then the Society will need to be fully convinced as to the viability of any future budget.*

*The Society trusts the Legal Ombudsman will exercise the use of the budget responsibly and prudently as well as looking to find appropriate savings where appropriate, for example, through better use of technology.*

**Engagement: Do you have any learning and experience to support the innovation work being undertaken under priority two?**

*The Society will be pleased to enter into dialogue with the Legal Ombudsman especially in relation to consumer engagement, public legal education, complaint handling research, and the use of technology in support of your work.*

*The Society looks to you to take advantage of ‘complaint handling’ intelligence already ‘out there’ and when appropriate, for you to commission relevant external research.*

*The Society looks to you to engage with the service providers more. The service providers are already using innovative and proactive ways for dealing with complaints. The Society will encourage its members to share those methods and approaches with you. This is especially relevant in relation to Priority 2.*

*You should also take advantage of the work undertaken by the ‘The Legal Services Consumer Panel’, and the regulators (who already undertake public-facing exercises and surveys) and law firms themselves (who already invest heavily in improving the consumer journey).*

**January 2021**