

Minutes of the First Meeting of the Public Interests Decisions Committee (PIDCo) of the Office for Legal Complaints (OLC)

20 May 2025

Present

Rachel Cerfontyne, PIDCo Chair

Patricia Tueje, OLC

Elisabeth Davies, OLC Chair

Paul McFadden, Chief Ombudsman

Steve Pearson, Deputy Chief Ombudsman

Minutes

Kay Kershaw, Board Governance Manager

Item 1 – Welcome, apologies, declarations of interest, and matters arising.

1. The Chair welcomed attendees to the meeting.
2. There were no apologies.
3. The meeting was quorate with a lay majority.
4. The OLC Chair declared that a barrister who had presided at a hearing related to one of the cases being considered for publication was known to her; it was agreed that this did not represent a conflict of interest.
5. The OLC Chair also declared that she was a former member of the Civil Justice Council and the group that had reviewed the damaged based agreement and costings related to one of the other cases being considered for publication; it was agreed that this did not represent a conflict of interest.
6. There were no other declarations or conflicts of interest reported.

Item 2 – PIDCo briefing.

7. A briefing pack had been shared with PIDCo prior to the meeting, this had included details of the statutory framework for publishing ombudsman decisions in the public interest; legal advice on OLC/LeO's ability to pursue publishing decisions; LeO's policy, approach and process for publishing public interest decisions; and PIDCo's Terms of Reference.
8. Clarity was provided on PIDCo's role and purpose which was determining whether the criteria had been met for publishing decisions in the public interests, based on the Chief

Ombudsman's recommendation and advice of Deputy Chief Ombudsman and LeO's legal team, taking account any associated risks and mitigations and raising any concerns about the publication of specific cases or the wider publishing decisions process.

9. It was noted that it was not PIDCo's role to revisit decisions that had been made by the Ombudsman and that this would be legally challengeable. Any concerns about decisions should be raised separately with the Chief Ombudsman.
10. Papers detailing four ombudsman decisions that the Chief Ombudsman had recommended for publication in the public interest under the powers provided by s.150 of the Legal Services Act had been shared with PIDCo ahead of the meeting.

Item 3 – Consideration of proposals for publication

11. The Deputy Chief Ombudsman (DCO) provided an overview of the key points of each of the ombudsman decisions that had been recommended for publication, explaining the rationale for the recommendations; the legal and risk assessments that had been conducted; the responses received from the parties to the complaints following notification of LeO's proposal to publish the decision; and the comments received from the regulators in response to the notification of LeO's proposal to publish the decisions.
12. PIDCo considered each of the cases recommended by the Chief Ombudsman for publication in turn to determine whether they had met the criteria for publication.
13. The following points were discussed:
 - All court dates would be redacted from decisions before they were published to ensure that the identity of the complainants could not be traced through court records or other official documents.
 - The risks and implications of firms publishing responses on their websites to the publication of an ombudsman's decision.
 - The risks and implications for LeO of publishing decisions on a firms that had not followed the best practice outlined in its costs based guidance, which was aligned to the SRA's Code of Conduct, and which may have an impact on their reputation.
 - The risk of LeO being perceived as a consumer champion by publishing ombudsman decisions, and how its impartiality and fairness of process would be reinforced going forward.
14. Following a detailed discussion and careful consideration of the facts and risks, PIDCo **unanimously agreed** that the criteria had been met to publish three of the four ombudsman's decisions that had been recommended for publication by the Chief Ombudsman, and **approved** publication of ombudsman's decisions relating to the following firms:
 - Ansham White
 - Underwood and Co
 - Scornik Gerstein
15. Having reflected on the wider publishing decisions process, the following suggestions for improvement were made:

- Include a criteria checklist for PIDCo to refer to when considering cases for publication included in future meeting packs.
- Include more information on the handling of decisions for publication and the risks in future meeting packs.
- Develop a mechanism for capturing PIDCo's recommendations on handling decisions for publication, including risk mitigations and communications.
- Incorporate into the publishing decisions process the opportunity for PIDCo to review any challenges or issues arising in response to the publication of decisions so that any lessons could be learned.
- Consider what the threshold would be for publishing decisions.
- Build time into future PIDCo meeting agendas for the Committee to reflect and consider the lessons learned from the previous meeting.

Item 4 – PIDCo Terms of Reference

16. PIDCo **agreed** to an amendment to section five of its Terms of Reference to enable the responsibility for the secretariat function for PIDCo meetings to be delegated to the Executive Support Team to add resilience and ensure that the future meeting schedule was not hampered by the availability of the Board Governance Manager.

Item 5 – Any other business

55. The next steps and timeline for handling the three ombudsman's decisions agreed for publication were discussed. The Executive would communicate the PIDCo decision on publication to the relevant parties in each case and publish the three decisions approved for publication at the end of quarter 1.
56. Feedback on the meeting and the publishing decisions process was to be shared with the Chair outside of the meeting for further consideration with the Chief Ombudsman and Deputy Chief Ombudsman.
57. There was no other business.