

Janet Edwards  
Legal Ombudsman  
Sent by email

28 January 2014

Dear Janet

### **2014-2017 Strategy and budget**

The Panel is pleased to respond to the Legal Ombudsman's draft strategy and budget for 2014-17. We confine our comments to the main elements of the strategy and do not rehearse issues where we have commented in detail on other occasions, in particular the Legal Ombudsman's plans to widen its jurisdiction or establish a voluntary scheme.

The Panel is content with the overall direction of the strategy and supports its three central goals, to: continue to improve your efficiency; help create an improved legal complaints handling system; and replicate what you have learned more widely. This year the Legal Ombudsman has departed from its previous practice of including a draft business plan as part of this consultation. As a result, while the examples of turning the strategy into action are welcome, it is difficult for stakeholders to know the balance of resource allocated to each goal. Further, the absence of specific initiatives and timescales is frustrating and does not support a transparent approach.

The emphasis on feeding back the learning from complaints as one of the three main planks of the strategy is very welcome. The promise of finding new and innovative ways to do this is intriguing. The Legal Ombudsman has a statutory duty to have regard to best practice among ombudsman schemes. We would like to see you review the range of techniques used by other schemes; such a review should embrace public and private sector schemes both in this jurisdiction and internationally. To repeat a point we have made on previous draft strategies, we see standards-raising as fundamental to the ombudsman redress model and wish to see the Legal Ombudsman develop and publish a dedicated sub-strategy in this area.

As you know, at the request of the Legal Services Board, last year the Panel carried out a benchmarking exercise on your complaints-handling performance. We are pleased to see a strong focus in the draft strategy on reducing unit cost, which was a key area in our report. We encourage you to commission research with consumers to take forward other findings in this exercise, in support of your aim to reach full operational effectiveness. For example, this might examine appetite and prospects of success for the

earlier intervention techniques discussed in the strategy. Another ripe area for research is ways, whether through support or communication, to enable complainants to accept decisions that find against them. The Panel would be pleased to work in partnership with you on any such research.

While greater efficiencies will benefit consumers in terms of speed and the cost of legal services, this must not be at the expense of the quality of investigations or decisions. Equally, the Legal Ombudsman must not force consumers down a model of dispute resolution they do not want to follow. Ultimately the service is there for its users and quality of outcome must take priority over the speed or type of decision-making process.

Another area that tends to distinguish ombudsmen from other dispute resolution models is the commitment to reach out to under-represented groups. This is particularly important in legal services to satisfy regulatory objectives around access to justice and the rule of law. However, this important aspect of your role does not come through as strongly as it has in previous years and we would not wish to see a diminution of effort here. This impression may be a consequence of the approach taken with this document – the objectives in Annex B are sensible, but an indication of resource of specific initiatives would give us greater confidence. On this theme, the Panel has previously written to ask you to adopt a British Standard on consumer vulnerability (BS18477) and the LSB has since written to you and each approved regulator inviting them to demonstrate how they have incorporated it into their work. We think that adoption of the standard would offer a visible signal of the Legal Ombudsman's commitment to meeting the needs of vulnerable complainants as well as reinforcing and enhancing the support that you already offer to staff.

Yours sincerely,



Elisabeth Davies  
Chair