



Legal Ombudsman  
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15 December 2021

Dear Sir/Madam,

The Legal Services Consumer Panel (Panel) welcomes the opportunity to respond to the Legal Ombudsman's Business Plan consultation.

The Legal Ombudsman is at a difficult juncture and the Panel has considered very carefully the level of support or intervention it needs. The Legal Ombudsman has articulated the scale and nature of the challenge better than it has done in previous years. More importantly, the ideas and suggestions for tackling the problems seem realistic and achievable by a senior leadership team that the Panel has confidence in.

The Panel has considered very carefully whether the plans, ideas and suggestions put forward in this Business Plans are enough to develop the organisation into one that can serve its customers as effectively and efficiently as they need. At this point, we are uncertain.

After weighing up the various challenges noted in the consultation document against the proposals to address them, including our confidence in the senior leadership team, we broadly support the plans and priorities outlined in the document.

### **Radical Options**

While we support most of the radical options outlined in the paper, we are only supportive of these options where there are elements of consumer protection embedded within them. For example, we welcome the plans for early resolution if such cases are assessed by a senior Ombudsman. And we support outsourcing so long as quality and service standards are high and monitored.

However, we are more wary of the option that would permit the Ombudsman to define a set of financial threshold and objective criteria which, if not met, would enable an ombudsman to consider dismissing a case where there is evidence of

poor service on the provider's part, based on proportionality. This option would perhaps be more palatable if the root cause of poor service had been addressed in some way, and the views of the consumer sought, before the decision is made to dismiss the case.

Proportionality does not trump fairness (unless the detriment is genuinely *de minimis*), so this option could erode the right of consumers to seek redress where providers have provided poor service. Sometimes an apparently "small" case can be an element of a much wider problem in which a large number of consumers are each experiencing apparently petty problems, but only one or two are calling it out. It would be a pity if such issues were dismissed on grounds of proportionality. Some form of mediation provision, or suggestion by the Ombudsman that the provider could make a small payment without a prolonged investigation, might be preferable to a simple dismissal.

### **Reflection on the consultation questions**

**The document is being shared with you following a year of enhanced public accountability. What are your confidence levels in the Legal Ombudsman Scheme compared to this time last year?**

The Panel is more confident that the Legal Ombudsman understands the scale and nature of the problems it needs to tackle. We are confident that the Legal Ombudsman has a leadership team committed to addressing the issues and tackling the problems. However, we remain unsure about whether the ideas in the Business Plan will be sufficient to deliver against the goal of clearing the backlog over the next two years, and even if they do, that the result then will be a scheme that delivers high quality outcomes against all its objectives within an acceptable timeframe.

**Specificity is key for the credibility of the Business Plan but it is also important to avoid 'information overload'. What would you like to see more information or detail on in the final Business Plan issued in the New Year?**

The Panel would like to see a clearer focus on the consumer journey. Specifically, we would like to know how long it takes for a customer to go through the whole process, from the initial approach to the Ombudsman through to being informed of the outcome. We would like to see an estimate of the improvement in journey time following (successful) adoption of the Business Plan, under each of the options mooted. This should show numbers for each of low, medium and high complexity cases, and we think this should be on the face of the Business Plan.

**Historically there has been an emphasis on plans to tackle the size of the pre-assessment pool but there are better and more customer centered ways of measuring sustainable acceptable performance. Should the Legal Ombudsman place more emphasis on individual customer experience, the value for money the service provides, the impact of the scheme or other measures?**

Yes. The Panel is of the view that all the measures mentioned above are important. The size of the pre assessment pool matters in so far as it has a substantial impact on how quickly or slowly cases are assessed. Timeliness is important to consumers

as well as the quality of the customer journey or experience, and the quality of the communication throughout the process. Indeed, timeliness is part of the journey. We have long advocated that the wider impact of the scheme on the legal services sector is also important for improving standards and disseminating best practice and so on.

The historic emphasis on tackling the size of the pre-assessment pool was not misplaced. The size of the pool is still a key hindrance to progressing cases swiftly. We are not convinced that consumers whose cases have been in the PAP for twelve months or more will have anything positive to say about their consumer journey or experience.

**What are your views about the proposed budget for 22/23? If you disagree with the proposed budget, what elements of the Business Plan should be changed to address this?**

The Panel found it hard to assess the budget proposals without data on the expected difference each would make to the customer journey time in days or experience, and to the quality of that experience, especially for vulnerable consumers. We accept that some estimates will inevitably be hypothetical or may be expressed as an indicative range.

However, on the assumption that the Legal Ombudsman will be able to achieve what it promises with the proposed additional budget, we support option 2, which is the proposal to increase the budget by 1.3% to accelerate the delivery of radical options.

**Are there further measures that LeO should consider implementing in order to improve its performance?**

There is (rightly) a huge emphasis on timeliness in the LeO proposals, as this is the metric most obviously in the spotlight. Metrics on quality and standards and performance have been used in the past, and generally LeO have measured up well on these. It is important not to imbalance the current Plan too much by assuming that all is well on this front, because if such issues do not continue to have some prominence, it may become tempting to sacrifice quality for speed.

The explicit introduction of risk assessment and case complexity tools would also be useful, to demonstrate how you assess case type from the outset. This would include risk to consumers / the consumer interest if cases are not progressed efficiently.

Evidence Based KPIs: Each stage of the investigations process is no doubt underpinned with evidence-based key performance indicators from triaging through to outcome (including customer service KPIs). These KPIs should be public facing to enable transparency as to what consumers can / should expect in relation to their complaint.

Regular case profiling would enable more nuance and intelligence in forecasting for future resourcing requirements to pre-empt pinch points or staff shortages.

Scheme Rules: Whilst the legislation may be limiting, targeted discussions between the parties regarding waivers of certain duplicated processes should be considered.

Quality Assurance: The Plan could usefully show how QA mechanisms will be used to enable appropriate monitoring and review.

The Panel remains committed to this important area. Please contact Lola Bello, Consumer Panel Manager, ([Lola.bello@legalservicesconsumerpanel.org.uk](mailto:Lola.bello@legalservicesconsumerpanel.org.uk)) with any questions about this response.

Yours sincerely,

A handwritten signature in black ink that reads "S Chambers". The signature is written in a cursive, flowing style.

Sarah Chambers  
Chair  
Legal Services Consumer Panel