

Sent by email only to consultations@legalombudsman.org.uk



21 December 2023

Office for Legal Complaints Draft Strategy 2024-27

Dear Sir/Madam,

The Legal Services Consumer Panel (the Panel) welcomes the opportunity to respond to the Office for Legal Complaints draft strategy for 2024-27.

The Panel would like to commend the OLC for a well-considered strategy which has the potential to transform how consumers experience the Legal Ombudsman. We welcome the explicit reference and tangible aims around improving standards in the sector, and we are pleased to see stakeholder feedback reflected in the draft strategy. Our extensive dialogue with the Legal Ombudsman also gives us confidence in the ability and experience of the senior leadership team to deliver this strategy.

The Panel welcomes the OLC's decision to focus on two overarching strategic objectives. We support the prioritisation of these goals and agree with the interrelated aims and outcomes described in the document. The Panel would like to emphasise the efficiency gains that would be made by making better use of intelligence on repeated incidents and the resulting best practices insight gained.

Publication of Ombudsman Decisions

The Panel welcomes the strategic objective focused on using the intelligence and insights gathered by LeO to raise standards in the sector. The Panel believes that publishing Ombudsman's decisions in full fits into this agenda. We have initiated numerous conversations with the Legal Ombudsman about this matter. While we acknowledge that such a move is rarely straightforward and accept the administrative barriers and burden which make this goal complicated, none of these challenges are insurmountable. The Panel acknowledges that there are risks with publishing, however, there is sufficient mitigation to enable this to happen and bring LeO more in line with their peers. Indeed, we note that the LeO is currently an outlier amongst comparable Ombudsmen that do publish Ombudsman's decisions in full.

We remain of the view that LeO should be moving towards publishing its Ombudsman decisions in full. More importantly, it should aim to do so in the lifespan of this strategy. To make this a reality, there must be a transparent action plan with timelines, milestones, stakeholder engagement and consultation periods embedded into the process. It is unsatisfactory that a clear roadmap for action has not been outlined for this work in this strategy.

Third Party Complaints

In the lifespan of this new strategy the Panel would like LeO to give some attention to third-party complaints. LeO is unable to investigate complaints when the people losing out are not the lawyer's client. There are several situations when this can happen, for example:

- Delays or mistakes by the other side's lawyer in a conveyancing transaction
- Lawyers hired by corporate clients harassing people over disputed debts
- Disputes over legal fees when someone agrees to pay the costs of the other side

For many years the Panel has said that in certain situations, third parties should be able to complain to the Legal Ombudsman and obtain a remedy for the harm they suffer. We know that there are some situations where third-party complaints are accepted by LeO (probate for example). We accept that lawyers must act in the best interests of their client and do so robustly. We are therefore not advocating for every third-party complaint to be investigated. However, the current system is opaque. We would like LeO to set out clearly the circumstances in which it does and does not accept third-party complaints. We would also like LeO to be transparent about how many third-party complaints it turns away, on a yearly basis, including the themes it is gathering from these complaints.

The Panel is not calling for new consumer rights, but a more coherent and streamlined manner of dealing with legal complaints in line with some of the wider outcomes highlighted in the consultation document eg empowering people to use LeO to obtain redress instead of going to court. In fact, ombudsman schemes in other sectors already consider third party complaints. We also note that this work would feed into the aim to raise standards in the sector. Without this right lawyers have a weak incentive to act fairly towards third parties and lawyers will carry on making the same mistakes because there isn't the opportunity for them or regulators to learn from complaints in order to raise standards.

Should you have any questions about this response, please contact Lola Bello, Consumer Panel Manager (lola.bello@legalservicesconsumerpanel.org.uk)

Yours sincerely,



Sarah Chambers
Chair
Legal Services Consumer Panel.