

Legal Ombudsman

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David Edmonds
Chair
Legal Services Board
By Email only
David.Edmonds@legalservicesboard.org.uk

Our reference: EF/DE/JE

25 March 2013

Dear David

The Legal Services Board made a request under section 120 of the Legal Services Act 2007 for a detailed report about complaints received by the Ombudsman scheme which are not within its jurisdiction as set out in Part 6 of the Legal Services Act 2007. This is our formal response.

I attach a report which seeks to bring together evidence in the form of individual case studies and data from the Legal Ombudsman scheme.

As you are aware we could not meet the original request from the data we held and so, after discussion between our staff and yours, we commissioned external research to assist us understand in greater detail the nature and types of complaints that fall outside the Legal Ombudsman's jurisdiction as set out in Part 6 of the Act. That research is also attached; it is disappointing. While it provides some useful indicators (that seem to accord with what we understand is happening in relation to consumers, based on other research and data) it is not as comprehensive or as insightful any of us would wish. The OLC asked the executive to look at ways in which it might be improved but we have concluded that without further expenditure and time this would not be possible. At this stage we have taken the view that it would not represent good


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value for money to pursue this further. Instead we have decided to submit to you what I find to be a less than satisfactory response.

I am sorry that we have taken so much longer than we would have liked and then produced a response which does not give sufficient evidence, on its own, for any policy decision. It is a requirement of the Act that this report is published. I understand that this will occur after your Board have considered the report, as part of the publication process of the papers. If it would be useful to have a member of the OLC and the Ombudsman at the meeting in which you consider this report, we should be happy to attend. A key part of the lessons for us from this report is the firm reminder to remain vigilant reviewing our internal data collection, so it does not just support our Management Information for operational and management performance, but also allows us to draw broader insights from complaints.

To assist understanding of what we have provided against the clarified section 120 request I have also attached a short overview.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elizabeth France', written in a cursive style.

Elizabeth France
Chair

Telephone: 0121 245 3061
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Overview of report answering Legal Services Board section 120

The LSB requested specific information from the Ombudsman, clarified in March 2012. We include here an outline of each element of the request and where this information can be located in the report.

- An assessment of the number and proportion of complaints received by the Legal Ombudsman which it has concluded fall outside of its jurisdiction for reasons other than being out of time or having failed to complete the first tier complaints process – signposting statistics and other contextual information are provided on page 8 of the report.
- A breakdown of the types of consumers making complaints within this description – externally commissioned research included within Annex 2 of the report was designed to gather this information. It does so to a limited extent.
- A breakdown of the areas of law and legal activities involved in complaints within this description – this information is not collected by the Legal Ombudsman as explained when clarifying the scope of the request in March 2012. We have provided the limited evidence we have. Externally commissioned research and included within Annex 2 of the report supplemented by out of jurisdiction signposting data gives some limited response to this request.
- A breakdown of the types of provider that are being complained about in complaints within this description and supplemented by out of jurisdiction signposting data - this information is not routinely collected by the Legal Ombudsman as explained when clarifying the scope of the request in March 2012. We have provided the limited evidence we have. Externally commissioned research and included within Annex 2 of the report supplemented by out of jurisdiction signposting data gives some limited response to this request.
- A breakdown of the reasons why complaints within this description fall outside of jurisdiction - gathered via externally commissioned research and included in Annex 2. Also supplemented by case studies on pages 15-21.

- Any common features of business models within this description that the Ombudsman believes is causing confusion (including where services are being delivered through the web), the extent to which the Ombudsman believes that this confusion may be being deliberately fostered and how the Ombudsman reacts in relation to such cases - this information is not routinely collected by the Legal Ombudsman as explained when clarifying the scope of the request in March 2012. We have provided the limited evidence we have. Externally commissioned research and included within Annex 2 of the report supplemented by out of jurisdiction signposting data gives some limited response to this request.
- An assessment of the number and types of complaints within this description where the Ombudsman believes that the consumer has experienced confusion over their right to redress caused by the overlap between unregulated and regulated services - gathered via externally commissioned research included at Annex 2 and supplemented by out of jurisdiction signposting data and case studies in light of agreed scope in March 2012.
- Any other information that the Ombudsman thinks will assist our understanding of the problems, their frequency, the causes and the impacts regarding complaints within this description – contextual information is provided in pages 5 - 14 of the report. The commissioned research included at Annex 2 also gives some broader indications.
- The action taken by the Ombudsman where complaints fall outside of his jurisdiction including signposting or referral to other specified bodies - signposting information is provided on page 8 of the report along with the case studies on pages 15-21.