



Establishing new Ombudsman scheme for legal complaints on track

The Office for Legal Complaints (OLC) today announced further moves to set up the new Ombudsman scheme that will investigate and resolve complaints made by consumers of legal services.

The OLC has chosen the name Legal Ombudsman for the new scheme.

It also confirmed that the office will be located in central Birmingham, meeting the Government's commitment for the Ombudsman scheme to be based in the West Midlands. The final choice of building will be announced once the Lord Chancellor has given his approval.

The Chair, Elizabeth France also announced the appointment of the Deputy Chief Ombudsman: Mr Gary Garland. He will be joined in the new year by a team of six Ombudsmen whom the OLC is currently appointing.

Elizabeth France said "The establishment of the Legal Ombudsman marks a new start in the handling of legal complaints. We have been charged with the responsibility of setting up an independent scheme that will cut through the complexity consumers can face when using the services of lawyers. I am pleased that we are on track for the Ombudsman to accept complaints from the autumn of 2010."

The new scheme will operate on a different basis from each of the existing schemes run directly by the professional bodies and legal regulators. As a result the Legal Ombudsman will not take over work which has been started by other complaints handlers.

The OLC has been in constructive discussions with all the approved regulators to make sure that the right mix of arrangements are put in place to ensure that neither consumers nor lawyers suffer any detriment as the old schemes close and the new one begins.

Chief Ombudsman, Adam Sampson, has also welcomed the statement by the Minister, Bridget Prentice, which supports the proposed approach of the OLC in setting up the new scheme. These arrangements seek to provide a balance between ensuring the Legal Ombudsman brings to life a new way of resolving complaints but is able to call on the skills and experience of staff from existing complaints handling bodies who are keen to adopt a new approach to resolving complaints. The scheme will create 300 to 350 jobs in central Birmingham. The new organisation aims to have a dynamic and vibrant work environment and an approach aligned with the best practice in ombudsman schemes.

The OLC has been engaged in considerable work with the Ministry of Justice and Approved Regulators to develop the principles and the mechanisms that will enable staff from existing bodies to secure posts at the Legal Ombudsman. This work has been carried out with the support of the Minister, Bridget Prentice.

The OLC is keen to start dialogue with staff at existing complaints handling bodies.

Adam Sampson, the Chief Ombudsman said ~~My~~ aim is to ensure that the Legal Ombudsman is the name the general public will look for if they have a problem with a lawyer and are seeking help to solve it.+

Notes for editors:

1. The formal establishment of the Office for Legal Complaints on 1 July 2009 was a key step in the implementation of the Legal Services Act 2007.
2. The Act sets the stage for wide-ranging reforms to the provision and regulation of legal services in England and Wales and establishes the OLC to administer an Ombudsman scheme that will deal with all consumer complaints about legal services.
3. Sections 122 of the Act provide for the appointment of the Ombudsman team.
4. The OLC will be independent from government and the legal profession. It is a public body sponsored by the Ministry of Justice and the Ombudsman scheme will become fully operational by no later than the end of 2010.
5. Elizabeth France was named Chair of the OLC in October 2008 by the Legal Services Board. On 3 February 2009, the Legal Services Board and the Chair of the OLC announced the appointment of six OLC Board members. Adam Sampson was named as Chief Ombudsman in March 2009. Biographies of each of the Board members and the Chief Ombudsman and more information can be found on the Office for Legal Complaints website at www.officeforlegalcomplaints.org.uk
6. A short biography for Gary Garland, Deputy Chief Ombudsman is below.
7. Further details of the proposed arrangements to support the establishment of the OLC are also below. These are an extract from the letter sent by Elizabeth France, OLC Chair to Approved Regulators and other relevant stakeholders.
8. For information regarding the Office of Legal Complaints and the Legal Ombudsman, please contact Alison Robinson on 0121 503 2930.

Gary Garland

Gary is a barrister called to the Bar in 1989. He joined the Crown Prosecution Service and served as a member of the International Branch before being seconded to the UN in Kosovo as a prosecutor. He then was a trial attorney at the International Criminal Tribunal for the former Yugoslavia in The Hague.

Gary is also a former elected member of the Bar Council, serving on the Professional Conduct and Law Reform Committees. In 2000 Gary was appointed an Asylum Support Adjudicator and then in 2003, he was appointed a Commissioner of the Independent Police Complaints Commission, responsible for the northeast, HMRC and the SOCA.

Gary is also a visiting lecturer, qualified trainer, mediator and has been a deputy district Judge since 2003.

Summary of proposed arrangements [extract from letter from Elizabeth France, OLC Chair to Approved Regulators and other relevant stakeholders]

The approach suggested takes as its starting point these principles:

- that the Legal Ombudsman should be enabled to begin work and start accepting new complaints. There can be no backlog as this is a new process;
- that there should be clear and predictable dates for the opening of the new Ombudsman scheme, and the arrangements for dealing with cases in existence at the commencement of the Legal Ombudsman that are with current complaint handling bodies;
- once the Ombudsman scheme has begun its work, the priority of the approved regulators will be to complete their outstanding complaints in as timely manner as possible;
- the approved regulators will use their best endeavours to complete their work in progress in order to aim for a close down date no later than six months after the Legal Ombudsman go-live date;
- any outstanding complaints after six months will be escalated to the Legal Services Ombudsman (LSO) who will investigate the original complaint (using powers under section 22 of the Courts and Legal Services Act 1990); and
- the existing complaints handling arrangements are to be closed down as quickly as possible. To achieve this, the work of the Office of the Legal Services Ombudsman (OLSO) should be brought to an end as quickly as it can be. In particular, it is proposed that an acting LSO will be appointed once the current LSO's term comes to an end on 2 March 2011 and the acting LSO is likely to be based in OLC's Birmingham office. The acting LSO will oversee the completion of the rump of the OLSO work and the handling of any new appeals against decisions by existing complaints handling bodies following the Legal Ombudsman go-live.

The Legal Ombudsman is a new initiative and staff will have new terms and conditions of employment as part of a competitive remuneration package. The OLC is being established as an Executive non-Departmental Public Body and its approach to its establishment, including its approach to staffing, also needs to accord with good practice among arms length bodies. In this context, the key elements of this suggested arrangement are:

- staff from existing complaints handling bodies (and who wish to work for the OLC) will be invited to attend a candidate assessment centre where they will be assessed against clear and transparent criteria (such criteria will have been benchmarked against the market norm);
- staff from existing entities that meet the criteria will be guaranteed priority access to available posts;
- no post will be offered to outside applicants until all those from existing entities have been considered; and
- staff will be employed on OLC terms and conditions but the OLC will treat staff from existing entities as having been in continuous employment.