

Dear All,

I would like to make the following observations in relation to the OLC Consultation Covering Paper on the draft scheme rules:

Q1. Should we include some additional guidance in the scheme rules about how in-house complaints handling inter-relates to the Ombudsman scheme?

If you agree, what form should it take? More generally, what can we do to promote good customer service in the legal profession? Please give examples and reasons.

According to the first draft of the scheme rules a complaint would be accepted for consideration by the OLC if it was made within six years of the act or omission complained about or within three years of when the complainant would reasonably have known s/he had cause to complain. Those time limits were reduced to one year in the revised draft of the scheme rules. In my view, one year is still too long. The Legal Complaints Service, Bar Standards Board and Solicitors Regulation Authority require complaints to be made to them within six months of the complaint to the lawyer. As a general rule, if a complaint is made outside this time limit then it is rejected for being 'out of time.' In my view the OLC should revise its time limits to six months as it is reasonable to conclude that the more time that elapses after an event has happened the more difficult it becomes to recall specific details.

This can particularly affect the recollection of elderly complaints in whose interests a reasonably early intervention by the OLC is required.

Q7. Are there any other points or issues you wish to raise in relation to the draft scheme rules? Do you think there is anything missing? Is there anything you disagree with? Please give your reasons.

However well resourced the OLC might be to carry out its statutory function there will invariably be occasions when complainants seek to utilise the services of the OLC for some ulterior purpose. I feel that the Lord Chancellor should be asked to exclude those complainants (individuals or otherwise) who are prescribed by the Court as 'vexatious litigants' unless they have the leave of the Court or can demonstrate exceptional circumstances to merit the OLC accepting their complaint for investigation. What amounts to exceptional circumstances would be a matter for the OLC to determine on a case by case basis. This would allow the OLC to concentrate its efforts upon those complaints that are genuinely made and which can be accepted for consideration.

Kind Regards

Javaid Ramzan