

**Office for Legal Complaints consultation paper 'OLC
Business Plan'**

Response from the Solicitors Regulation Authority

November 2009

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1. Introduction

- 1.1 The Solicitors Regulation Authority (SRA) is the independent regulatory arm of the Law Society for England and Wales. We set standards for, and regulate, individual solicitors, certain other lawyers and non lawyers with whom they practise, solicitors’ firms and their staff.
- 1.2 We welcome this consultation by the Office for Legal Complaints (OLC), and look forward to supporting the OLC in creating a single independent Ombudsman scheme for all consumer legal complaints. We currently work closely and co-operatively with the Legal Complaints Service (LCS), and are keen to develop an equally positive relationship with the OLC when it becomes fully operational during 2010.
- 1.3 We have set out below our comments on the OLC’s draft business plan. We have also responded separately to the OLC’s consultations ‘*Draft scheme rules*’ and ‘*Setting a fair case fee*’.

2. Key assumptions

- 2.1 We agree that the key assumptions made by the OLC in drafting its first business plan are appropriate. We support the OLC’s statement on page 3 of the consultation paper that “...*these assumptions will be tested once the scheme begins to work.*”

3. High level OLC business process

- 3.1 We note the OLC’s intention on page 7 of the consultation paper to work with stakeholders to establish “...*key standards to govern the first-stage handling of complaints by legal firms, barristers chambers and other lawyers.*” In our response to the OLC’s consultation on its draft scheme rules, we set out our support for this work provided and emphasised the importance of ensuring that any standards agreed upon are compatible with the requirements set down by approved regulators. We do not believe that over-prescriptive in-house complaint handling requirements placed on legal firms and practitioners (in additional detail to that already required by approved regulators), or indeed introducing a ‘one size fits all’ approach to setting key standards, will be helpful in terms of encouraging best practice.
- 3.2 We look forward to discussing with the OLC how the key standards might look in due course.

4. Workstreams: Business process / IT and telecoms

- 4.1 In the tables shown on pages 8 and 10 of the consultation paper, the OLC identifies the risks associated with linking with approved regulators and sharing information. We agree that the effectiveness of these relationships will be integral to the successful launch and operation of the OLC, and we

support the risk mitigations identified by the OLC, namely to “*define minimum data requirements and jointly agree approach to creation and ownership of data-bases.*” We look forward to working with the OLC in the coming months on this.

5. Knowledge management / quality

- 5.1 We agree that the OLC is right to prioritise quality of decision-making in its Business Plan. We acknowledge that the OLC must draw a line in the sand to mark a new approach toward legal complaint handling, and agree that this is right; however we believe there is much useful consumer-focussed knowledge in the existing complaints handling bodies which should be exploited.
- 5.2 The workstream set out on page 14 of the consultation paper refers to the potential risk of overload caused by information requirements from approved regulators. We support the risk mitigations described, as a means of avoiding this situation, and agree that data sharing between the OLC and approved regulators must take place within a carefully-constructed set of information sharing protocols.

6. Transition planning

- 6.1 We agree with the emphasis placed by the OLC on ensuring consumers and lawyers do not suffer detriment resulting from the transition period. The thoughts set out by the OLC on page 17 of the consultation paper rightly highlight this, but it is worth commenting that it is not just the work of the OLC and complaints handlers that could dictate this detriment, but also the work of the regulators and regulatory functions that are dependent on working closely with complaint handling functions. The preservation of exchange of information between the complaints handler and the regulators is essential for public protection.

7. Communication

- 7.1 The communication strategy supporting the OLC's launch will be key to it becoming a well-regarded and effective ombudsman service. We agree that the OLC is right to highlight the importance of this in its Business Plan. On page 19, reference is made to working with consumer support bodies to highlight the changes in legal complaint handling and, while we endorse this work, we believe it will be important to engage as widely as possible in this area. The networks provided by organisations such as Citizens Advice and Consumer Focus will be key here, but we recommend that resources are also committed to run education campaigns aimed at charities and smaller representative bodies.