



**Appendix 1**  
**The Commissioner's Powers**

**The appointment of the Legal Services  
Complaints Commissioner**

The Access to Justice Act 1999 contains details of the Commissioner's appointment and powers.

- **Section 51(1)** states that the Secretary of State may appoint a person as Legal Services Complaints Commissioner.
- **Section 51(2)** states that any appointment of a person as Commissioner shall be for a period of not more than three years; and a person appointed as Commissioner shall hold and vacate office in accordance with the terms of his appointment.
- **Section 51(3)** states that at the end of his term of appointment the Commissioner shall be eligible for re-appointment.
- **Section 51(4)** states that the Commissioner shall not be an authorised advocate, authorised litigator, licensed conveyancer or authorised practitioner (within the meaning of the Courts and Legal Services Act 1990) or a notary.
- **Section 51(5)** states that Schedule 8 (which makes further provision about the Commissioner) has effect.

**The Legal Services Complaints  
Commissioner's functions**

- **Section 52(1)** of the Access to Justice Act 1999 states that if it appears to the Secretary of State that complaints about members of any professional body are not being handled effectively and efficiently, he may by direction require the Legal Services Complaints Commissioner to consider exercising in relation to the body such of the powers in subsection (2) as are specified in the direction.
- **Section 52(2)** of the Access to Justice Act 1999 states that those powers are:
  - (a) to require a professional body to provide information, or make reports, to the Commissioner about the handling of complaints about its members,
  - (b) to investigate the handling of complaints about the members of a professional body,
  - (c) to make recommendations in relation to the handling of complaints about the members of a professional body,
  - (d) to set targets in relation to the handling of complaints about the members of a professional body, and
  - (e) to require a professional body to submit to the Commissioner a plan for the handling of complaints about its members.
- **Section 52(3)** states that where the Commissioner requires a professional body to submit to him a plan for the handling of complaints about its members but the body:
  - (a) fails to submit to him a plan which he considers adequate for securing that such complaints are handled effectively and efficiently, or
  - (b) submits to him such a plan but fails to handle complaints in accordance with it,he may require the body to pay a penalty.

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- **Section 52(4)** states that before requiring a professional body to pay a penalty under subsection (3) the Commissioner shall afford it a reasonable opportunity of appearing before him to make representations.
  - **Section 52(5)** states that the Secretary of State shall by order made by statutory instrument specify the maximum amount of any penalty under subsection (3). The maximum amount specified is the lesser of one million pounds and one percent of the body's income.
  - **Section 52(6)** states that in determining the amount of any penalty which a professional body is to be required to pay under subsection (3) the Commissioner shall have regard to all the circumstances of the case, including in particular:
    - (a) the total number of complaints about members of the body and, where the penalty is imposed in respect of a failure to handle complaints in accordance with a plan, the number of complaints not so handled, and
    - (b) the assets of the body and the number of its members.
  - **Section 52(7)** states that a penalty under subsection (3) shall be paid to the Commissioner who shall pay it to the Secretary of State.
  - **Section 52(8)** states that where a direction under subsection (1) in relation to a professional body has been given (and not revoked), section 24(1) of the Courts and Legal Services Act 1990 (power of Legal Services Ombudsman to make recommendations about arrangements for investigation of complaints) shall not have effect in relation to the body.
  - **Section 52(9)** states that no order shall be made under subsection (5) unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
  - **Section 52(10)** states that in this section "*professional body*" has the same meaning as in section 22 of the Courts and Legal Services Act 1990. "*Professional body*" includes the Law Society.

**Appendix 2  
Advisory Board and Consumer Board Members**



**Colin Brown** – is Policy Director at the Office of Fair Trading (OFT). He joined the OFT in 2003 after three years as Chairman of the Financial Services Consumer Panel. He also worked as an independent consultant specialising in consumer policy and research, both in the UK and internationally. Before that he was Deputy Research Director at the Consumers' Association and Senior Fellow at the Policy Studies Institute.



**Rob Chester** – is currently Head of Risk and Deputy Company Secretary for Asda Stores Limited. He has an extremely broad role to assess and adequately control the risks that exist in a twenty first century retailer. Prior to joining Asda, Rob spent ten years at Tesco. Whilst progressing his retail career Rob also studied for a Law Degree and latterly the Legal Practice Course.



**The Countess of Eglinton and Winton** – has been involved as a fundraiser for the NSPCC since 1960, becoming a Trustee 1993 - 2003. She also served as a Trustee of the NSPCC Pension Scheme. Marion was a Governor of the Royal Masonic School for Girls 1992 - 1998. She is currently fund raising and organising events for Leonard Cheshire Scotland.



**Professor Dame Hazel Genn** – is Professor of Socio-Legal Studies in the Faculty of Laws at University College London, where she is also an Honorary Fellow. She is also lay member of the newly established Judicial Appointments Commission, a member of the Committee on Standards in Public Life and is currently leading a Public Legal Education Strategy Task Force established by the DCA. \*Board Member until end March 2007.



**Louise Hanson** – has worked at Which?, the largest consumer organisation in Europe, since February 2000. She joined as a Senior Public Affairs Officer and became Head of Campaigns in July 2003. Previously Louise worked in campaigns and public affairs at Oxfam and Townswomen's Guilds.



**David Harker OBE** – has been Chief Executive of Citizens Advice since 1997. He joined Citizens Advice from Sense, the national disability charity, where he was managing director. His earlier career included management consultancy, running an inner city charity, working for a council of voluntary service, as a policy analyst for a local authority and a research and press officer for a trade union. David has an MBA from London Business School and an MA in social policy.



**Malcolm Hurlston** – is a social entrepreneur who has founded and chairs a number of charities and non-profit making organisations. This includes the Foundation for Credit Counselling, Britain's leading debt charity, and the Registry Trust, which registers judgement, fines and decree information in the UK and Ireland.



**Clare Montgomery QC** – (associate basis member) – a Deputy High Court Judge since 2003. Clare is a highly respected specialist in criminal law, perhaps best known for her work on 'white collar crime' cases, such as Guinness and Maxwell.



**George Seligman** – a partner with Slaughter and May, a leading international law firm with a world-wide corporate, commercial and financing practice. George specialises in financing, corporate recovery and insolvency work, and also has a general commercial practice. He has acted for borrowers and lenders on a wide range of financing transactions including securitisations, acquisition finance, syndicated and bilateral loans and structured finance.



**Professor Avrom Sherr** – is Director of the Institute of Advanced Legal Studies. He also continues as the Woolf Professor of Legal Education at the Institute. His main areas of interest have been the development of legal education, the sociology of the legal profession, ethics in professional work and the provision of legal services. He was a member of the Lord Chancellor's Advisory Committee on Legal Education and Conduct; and of the Race Relations and Equal Opportunities Committees of the Law Society of England and Wales. He also acts as a consultant to government and professional bodies in relation to access to justice and professional training and discipline.



**Steven Silver** – is Head Of Legal Services and Deputy Secretary of United Co-operatives Limited, the largest independent Co-operative Society in the UK. Steven was educated at Esher County Grammar School and the University of Durham where he obtained a Joint Honours degree in Law and Politics. Following his successful completion of the Law Society Finals Examination in 1983, Steven went on to work for a number of law firms including Sugden & Spencer Solicitors (1987 – 1993) and Radcliffes LeBrasseurs Solicitors (1993 – 1996) where he was a partner.



**Stephen Boys Smith** – a former senior civil servant with extensive experience of working closely with Ministers and managing and bringing change into large organisations. He is presently Joint Secretary to the Independent Monitoring Commission, Northern Ireland.



**Michael G Wilson** – has worked as a Lawyer for the Department of Transportation in Washington D.C., before joining the law firm of Surrey and Morse. He became a partner of this firm in 1972. In 1974 Michael left the firm to join EON Productions and is executive producer for the Bond films.

**Appendix 3**  
**The Office of the Legal Services Complaints Commissioner's Staff**



**Legal Services Complaints Commissioner**  
**Zahida Manzoor CBE**

**Director of Operations**  
**Les Courtnell**

**Head of Professional Body Performance**  
**Lorraine Jackson**

**Head of Research and Investigations Branch**  
**Bronwyn Baker**

**Head of Corporate Services**  
**Jo Shaw** until 16 June 2006  
**Bronwyn Baker** from 19 June 2006

**Professional Body Performance Team**  
**Anita Holmes**, Policy & Performance Manager  
**Cath Jones**, Policy & Performance Officer  
**Marie Craven**, Communications & Policy Adviser  
**Janice Revill**, PA to the Commissioner & Policy Adviser  
**Carol Inns**, Performance & Policy Adviser  
**Richard Pragnell**, Policy Support & Research Assistant  
until 4 August 2006

**Research and Investigations Team**  
**Tracey Walker**, Investigations Officer  
**Mark Webber**, Investigations Officer  
**Izzie Pragnell**, Investigations Officer  
**Richard Brookes**, Operational Research Analyst  
until 17 November 2006  
**Sarah Swift**, Operational Research Analyst  
**John Longden**, Investigations Assistant  
until 31 January 2007

**Corporate Services Team**  
**Karen Oseman**, Corporate Services Manager  
**Lynne Fromings**, Corporate Communications  
**Karl Monet**, Budget, Estates and Plans  
**Sam Smith**, Admin Support  
**Laura Urbina**, Admin Support

#### Appendix 4

#### The Commissioner's Targets, Recommendations and Key Performance Indicators for LCS and SRA 1 April 2006 to 31 March 2007

The 3 key areas in which the Commissioner set targets for LCS and SRA's performance for the period 1 April 2006 to 31 March 2007 are:

- **Timeliness**

To improve the speed with which complaints are handled by LCS and SRA.

- **Quality of decisions**

To improve the quality of complaints handling by LCS and SRA.

- **Delivery of the Plan**

To implement LCS and SRA's agreed Plan for complaints handling.

#### The Commissioner's targets set for the period 1 April 2006 to 31 March 2007 are as follows:

##### Timeliness Target T1

By the end of March 2007, to have no more than 65 cases in the live caseload (all open cases) that have been open for 15 months or more.

##### Timeliness Target T2

Case closures:

- 57% of those cases closed on or after 1 April 2006 and on or before 31 March 2007 are closures within 3 months of opening; and
- 94% of those cases received on or after 1 April 2005 and on or before 31 March 2006 are closed within 12 months of opening.

##### Timeliness recommendation T/R1

LCS and SRA currently have delays in their handling of complaints (single periods of inactivity of 30 calendar days or more). The OLSCC audit carried out September/October 2005 found the main causes of delay attributable to LCS and SRA to be:

- Allocation;
- Failure to respond;
- Sickness/Other absences;
- Re-allocation to new teams;
- Re-allocation to new case worker;
- No obvious reason found for delay.

In all cases where there is a delay as defined above, the length of delay in each case needs to be reduced for case receipts during 1 April 2006 to 31 March 2007.

##### Quality Target Q1

Of those cases audited by the Commissioner's Office, 80% or more of cases closed after 1 April 2006 and aged 6 months and over, consideration and/or award of special payment will be in line with the relevant special payment policy guidance, and evidenced on the file.

##### Quality Target Q2

Of those cases audited by the Commissioner's Office, 80% of substantive responses provided between 1 April 2006 and 31 March 2007 will be within 55 calendar days of receipt.

##### Quality Target Q3

- For service matters, of those cases audited by the Commissioner's Office, 80% or more of consumers are contacted at least every 30 days following the first substantive response.
- For matters handled under the Informants' Protocol, of those cases audited by the Commissioner's Office, 80% or more of informants with an interest will be updated at either key stages of the investigation or 30 days where requested by a consumer.

Contact that is not regarded as progressing the matter includes:

- Phone messages left by the caseworker where no contact was made with the consumer and this message is not followed up by the caseworker;
- Contact that indicates the caseworker is reviewing the matter but makes no reference to any action to be taken;
- Contact that tells the consumer there has been a change within LCS and SRA e.g. a change of caseworker, but which in itself does not progress the matter.

#### Quality Target Q4

Of those cases audited by the Commissioner's Office, in 80% or more of cases where the matter progresses to conciliation or reasonable offer made (ROM), on or after 1 April 2006, LCS will share, at an appropriate stage, the indicative awards guidance and ROM guidance with the consumer and solicitor.

#### Quality Target Q5

Of those cases opened after 1 April 2006, and audited by OLSCC, in 95% or more of cases, heads of complaints are correctly identified and addressed during confirmation to the consumer.

#### Quality Target Q6

In 73% or more of referrals to the Legal Services Ombudsman the LSO upholds the handling of the case by LCS and SRA.

#### Quality recommendation Q/R1

At present LCS and SRA have timescales for the adjudication of cases, but no clear timescales for the completion of adjudication reports by the case worker. LCS and SRA's customer service standards guidance for staff should include a timescale for timely completion of adjudication reports.

#### Quality recommendation Q/R2

To improve quality, managers should ensure that every case is checked at closure by someone independent of the case worker(s) that dealt with the case.

#### Quality recommendation Q/R3

It is currently at the case workers' discretion whether they act on the advice provided by consultant case workers or case work advisers. LCS and SRA should consider making it mandatory for case workers to act on advice received from consultant case workers or case work advisers in a timely manner.

#### Quality recommendation Q/R4

LCS and SRA should ensure that all reconsideration cases from the LSO are re-investigated and concluded within 6 months from date of receipt from the LSO.

#### Quality recommendation Q/R5

LCS and SRA currently operate a temporary closure policy. The OLSCC benchmarking study found that no other organisation consulted operated a temporary closure policy. When a case is re-opened following temporary closure it is given a new file reference and any previous time spent on the complaint is discounted. Since April 2005 around 750 cases have been closed under this policy. For LCS and SRA when re-opened it is a new case, for the consumer this is an ongoing issue. LCS and SRA have recognised that the temporary closure policy could cause confusion to consumers. LCS and SRA should cease their policy on temporary closure.

#### Quality recommendation Q/R6

It is noted that both LCS and SRA have expressed concern in relation to the application of Rule 15 within individual firms of solicitors. It is the Commissioner's intention to consider a review of those cases that are referred back by LCS and SRA under Rule 15 where a firm has not taken the necessary action. LCS and SRA should review those firms that know what is expected of them under Rule 15 but who do not convert that understanding into effective complaints handling performance with clients. They should then share with the Commissioner their findings and proposed actions to improve this in order to provide an effective service to consumers and help reduce the volume of complaints they receive.

**Delivery of the Plan Target P1**

Unless varied by agreement with the Commissioner, the Plan will be delivered by fully utilising the total budget as set out in LCS and SRA's 2006/07 complaints handling Plan. A tolerance band of -10% against the budget will be allowed.

**Delivery of the Plan Target P2**

Unless varied by agreement with the Commissioner, the Plan will be delivered by utilising resources as set out in LCS and SRA's 2006/07 complaints handling Plan. A tolerance band of -10% against the total resources will be allowed.

**Delivery of the Plan Target P3**

Unless varied by agreement with the Commissioner, the priority initiatives to support the delivery of LCS and SRA's 2006/07 complaints handling Plan will be achieved to time and cost in accordance with the Plan, meet all milestones declared in the Plan and deliver the stated objectives and benefits.

**Delivery of the Plan Target P4**

Unless varied by agreement with the Commissioner, progress against LCS and SRA's 2006/07 complaints handling Plan, the Commissioner's targets and supporting Key Performance Indicators will be reported in line with the timescales agreed with the Commissioner.

**Key Performance Indicators to support the Commissioner's targets 1 April 2006 to 31 March 2007**

Target	SP 1 - Improving the speed with which complaints are handled by LCS and SRA	
Ref	Title	Frequency of Law Society reporting
Timeliness KPI 1	Age profile (in months) of carry over to 2006/07 as at 1 April 2006.	One off requirement
Timeliness KPI 2	Age profile of closures in months, excluding enquiries, shown separately for those cases carried over at 1 April 2006 and new cases received from 1 April.	2006. Monthly
Timeliness KPI 3	Number of receipts each month after 1 April 2006, excluding enquiries.	Monthly
Timeliness KPI 4	Number and age profile of unallocated cases. Number and age profile to be shown in weeks for cases in the age profile 0-3 months.	Monthly
Timeliness KPI 5	Number of closures per FTE caseworkers.	Monthly
Timeliness KPI 6	Staff attrition rates shown by number of FTE staff for each band/grade - management, caseworkers, support staff and total.	Monthly
Timeliness KPI 7	Number of case transfers and average age of case at point of transfer.	Monthly
Timeliness KPI 8	Timeliness by outcome type.	Monthly
Timeliness KPI 9	Age profile (for written enquiries only), type and number of all helpline and written enquiries received and closed.	Monthly

**Key Performance Indicators to support the Commissioner's targets 1 April 2006 to 31 March 2007**

Target	SP 2 – Improving the quality of complaints handling by LCS and SRA	
Quality KPI 1	Number of and average size of special payments made by LCS and SRA.	Monthly
Quality KPI 2	The number of cases where consideration of a special payment was in line with the relevant special payment policy guidance, to be provided at least quarterly.	LCS and SRA Quarterly Audit Results
Quality KPI 3	Number and percentage of complaints acknowledged within 5 working days of receipt.	As above
Quality KPI 4	Number and percentage of opening letters where the consumer has been notified of the internal complaints procedure and advised that their complaint may be copied to the solicitor.	As above
Quality KPI 5	Number and percentage of closure letters where the consumer has been notified that the file has been closed, the reasons for the decision, LSO details and a reminder about the internal complaints procedure.	As above
Quality KPI 6	Number and percentage of cases where heads of complaints are correctly identified and addressed with the solicitor.	As above
Quality KPI 7	Number and percentage of cases where heads of complaints are correctly identified and addressed at case closure.	As above
Quality KPI 8	Number and percentage of referrals to LSO by Law Society outcome.	Monthly
Quality KPI 9	Number and percentage of complaints upheld by the LSO by Law Society outcome and LSO decision type.	Monthly
Quality KPI 10	Number, percentage and type of sanctions imposed by the Solicitors Disciplinary Tribunal.	Monthly
Customer Service KPI 11	Number and percentage of consumers satisfied with service, provided by LCS and SRA.	Monthly
Customer Service KPI 12	Number and percentage of consumers satisfied with the outcome of their complaint.	Monthly
Customer Service KPI 13	Number of complaints about LCS and SRA handled under the internal Law Society Complaints procedure.	Monthly

Appendix 5  
Summary of LCS and SRA's Performance 1 April 2006 to 31 March 2007

**Appendix 5**  
**Summary of LCS and SRA's Provisional Performance 1 April 2006 to 31 March 2007 pending representation from LCS and SRA**

**Timeliness target**

Cases closed	Actual performance 1 April 2006 to 31 March 2007	Target 1 April 2006 to 31 March 2007
Within 3 months	59%	57%
Within 12 months	94%	94%
15 months <sup>26</sup>	56	No more than 65 cases

**Quality of decisions**

Special payment	48.4%	80%
Substantive response in 55 days	78.5%	80%
30 day update Redress cases Informants' Protocol	61.9%	80%
Indicative awards and reasonable offer made guidance shared with consumer and solicitor	81.7%	80%
Heads of complaint in opening letter to consumer	97.6%	95%
Referrals upheld by Legal Services Ombudsman	68%	73%

<sup>26</sup> This target was to have only 65 cases over 15 months old by 31 March 2007