



Chapter 4

Forward Look



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Although the Improvement Plan requested by the Commissioner from LCS and SRA runs from April to the end of March each year, the preparation begins much earlier. In July 2006 the Commissioner started to develop the targets for the following year (1 April 2007 to 31 March 2008). Her four key aims for delivery for 2007/08 are:

- that the improvements in timeliness by LCS and SRA can be built on and maintained;
- that the application of LCS and SRA's own policies and procedures is improved;
- wider business improvements are achieved; and
- an emphasis on public interest matters (such as the miners' cases).

Improvements in timeliness to be built on and maintained

When developing the targets for 2007/08 the Commissioner was mindful of what had already been achieved with handling complaints more quickly but recognised that there was capacity to build on this further.

The application of LCS and SRA's own policies is improved as a matter of urgency

As LCS and SRA were not consistently applying their service standards, the targets set by the Commissioner have again had to focus on procedural aspects of quality, for example ensuring that consumers are contacted at least every 30 days following the first substantive response. Future targets need to build on this to include improvements in areas such as accessibility, reasonableness, and quality of decisions. In terms of LCS, the Commissioner would like to see improvements in the referral of conduct cases to SRA and that when SRA refer cases to the Solicitors Disciplinary Tribunal that those cases are not only prepared and lodged as quickly as possible but also heard at the earliest convenience.



Wider business improvements

The Commissioner will continue to set targets for the under performing areas of LCS and SRA operations to drive up improvement but she has also turned her focus to wider business improvements. The wider business improvements include publishing solicitor complaint records to help consumers make the right choice when needing legal services and increasing access for all, including the most vulnerable. The Commissioner was keen to include the improvement agendas, endorsed by both the Board of the Legal Complaints Service and the Regulation Board, in LCS and SRA's complaints handling Plan for 2007/08. If scoped and implemented well some of this work could move LCS and SRA closer to being an effective and efficient complaints handler and would see a step change that the Commissioner is seeking LCS and SRA to deliver.

Public Interest Matters

The Commissioner remains concerned that LCS and SRA deal thoroughly with existing complaints from vulnerable

consumers as well as taking proactive steps on awareness raising and stemming the flow of preventable complaints. In particular, the Commissioner is concerned to ensure for the coming business year that LCS and SRA implements recommendations made her in improving access and service to vulnerable clients including former miners and their dependents.

Complaints handling for 2007/08

Like last year the Commissioner set three strategic priorities, which provide balanced and complementary objectives covering all complaints handling activity within LCS and SRA where improvement is necessary. Full details of all the Commissioner's targets and recommendations for next year, relating to these strategic priorities can be found in Appendix 8. In summary whilst the Strategic Priorities remain similar to last year - speed of handling complaints, quality and successful delivery of the plan - the Commissioner's targets and key performance indicators which underpin them have been adjusted to reflect the

specific areas where improvement is required. Indeed, the Commissioner was disappointed to have to re-set many of the quality targets set in 2006/07 in 2007/08, due to LCS and SRA's poor performance against these. She noted this in her letter of 24 November 2006, when she set the targets for 2007/08:

"I had envisaged moving the Law Society to a measure that brought about greater improvement this year by achieving a consistent level of quality for each complaint handled. However, I believe this is not achievable at this stage by the Law Society...It is important to note that the targets I am proposing in this area, although at the lower performance end of where I would like the Law Society to be, does not mean that I would not be seeking greater improvement in the future. After all, what I am proposing is for Law Society staff to follow its own policy, procedures and customer service standards to deliver improved quality and consistency in complaints handling. I also propose to maintain the current Legal Services Ombudsman measure as a target. The target level I am proposing is based on the Law Society's current performance and trend over the past 2 years."

The Commissioner has also made a number of recommendations, which she believes will help improve complaints handling if LCS and SRA take action on these. For example, with relation to project management, which she believes has been an area of weakness in the past. In the same letter, of 24 November 2006, she noted that:

"Because of the concerns I continue to have about the way in which the Law Society handles the development and implementation of its change initiatives, I am proposing a set of recommendations. I believe these recommendations if addressed should improve current areas of weakness."

The Commissioner will be monitoring closely the action LCS and SRA take and if necessary, where action is not evident, consider introducing further targets this year. These recommendations are listed in Appendix 8.

Law Society Improvement Plan for 2007/08

In February 2007 LCS and SRA submitted their Improvement Plan to the Commissioner. Having considered the Plan and additional information carefully, her assessment was that overall the format and the majority of the content was an improvement on previous years. Subject to some concerns, the Commissioner considered it as having the potential to move LCS and SRA closer to becoming an effective and efficient complaints handler. Her concerns were that in some of the areas there was insufficient evidence that the targets she had set could be met by the actions proposed by LCS and SRA. The Commissioner was also disappointed to find that some of the wider business improvement work which LCS and SRA reported they would undertake (and which they had set out in their improvement agendas) was not in the Plan. The Commissioner had encouraged LCS and SRA to include this in the Plan because, since her appointment, she wanted LCS and SRA to look beyond the targets she had set and consider wider improvements in complaints handling.

"Since my appointment in 2004 I have continuously encouraged the Law Society to look beyond the targets and consider improvements in complaints handling more broadly. I see the successful delivery of the Improvement Agendas as integral to improving complaints handling and moving it closer to effective and efficient and therefore in my view it forms a key part of the 2007/8 Plan."²¹

On 4 April 2007 LCS and SRA submitted a revised Improvement Plan addressing the points the Commissioner had raised, which included adding detail on the improvements they were aiming to deliver from their Improvement Agenda.

Following careful consideration of the Plan and additional information, on 16 April 2007 the Commissioner was pleased to declare LCS and SRA's complaints handling Plan for 2007/08 as adequate in accordance with the Access to Justice Act 1999.

²¹ Letter from the Commissioner to LCS and SRA dated 21 March 2007

Speaking about the Plan, the Commissioner said:

*"This is the first year I can recall where the Law Society has committed to delivering wider business improvements which better serve the needs of all its users and I look forward during the Plan year to seeing the potential benefits being realised for the consumer, profession and the Law Society."*²²

Since the Commissioner's appointment in 2004, she has encouraged the Law Society not to limit the scope of the improvements it is willing to undertake but to consider wider issues. For example, the Commissioner has encouraged LCS and SRA to consider broader actions they could take to ensure consumers receive an improved service from their solicitor and prevent the growth of complaints coming to them, as a regulator for them to better recognise excellence within the profession and for the consumer to be better informed in their choice of legal service provider. She has also urged the different parts of LCS and SRA to work closely together to ensure that all aspects of complaints handling, including preventative work such as improved training for solicitors, is implemented effectively.

LCS and SRA's complaints handling plan declared adequate

Following encouragement from the Commissioner, the Improvement Plan now includes the following:

- Improving Services –improving accessibility through reviewing the Equality & Diversity data they hold on consumers and solicitors, and using this to analyse the fairness of their policies and how they are being applied. The Commissioner considers this critical to improving the accessibility of the LCS and SRA services and raising awareness of the scope of services available, including to the most vulnerable consumers. She made recommendations to the Law Society about this as far back as 2004. This work was originally due to start last year, but it remains at the data gathering stage. Now that this work has been included within the Improvement Plan, with details of implementation plans, the Commissioner looks forward to much greater progress on this by the end of March 2008, with clear benefits for consumers.

- Informing Consumers – the Improvement Plan now sets out the work that LCS and SRA will undertake to publish the historical complaints records of solicitors, review the existing requirements for consumer guides and develop new ones where required, and increase the awareness of services. If implemented effectively, this should help consumers to make the right choice when needing legal services.
- Improving Standards – as both LCS and SRA deal with complaints about solicitors, but from different angles, it is important that there is an effective interface between them, to enable sharing of complaint information, greater engagement with the profession and the provision of adequate guidance. Also included in the Plan, is the introduction of a new Code of Conduct, modernisation of regulatory decisions and adjudication system, setting up a working group to look at and report back on post-qualification quality assurance of solicitors, and an enforcement initiative on referral fees. This action should go some way to restore consumer confidence, better equip the regulator and profession, and improve the focus on consumer needs as well as reduce the number of complaints made directly to the profession and LCS and SRA.

Legal Services Consumer and Advisory Board activities

The Commissioner's Consumer and Advisory Boards continue to advise her on new ways for engaging with consumers based on an understanding of their needs gained through their diverse backgrounds and professional experience. As part of this, work will continue next year to identify the most common causes of legal complaints, the information needed by consumers to confidently gain the best assistance from their legal adviser and consideration of the practical standards that might help to achieve more effective complaints handling. The Commissioner's Office will work closely with the Office of the Legal Services Ombudsman (OLSO) in relation to this strategy.

²² "Law Society's complaints handling plan declared adequate" – Press notice 17 April 2007, available at www.olscc.gov.uk

The Legal Services Bill and the future of legal services

In her special report²³ the Legal Services Ombudsman and Legal Services Complaints Commissioner sets out her independent perspective on the legal reforms. Both her roles involve understanding the complex relationship between professional regulation, service delivery and the consumer experience – matters, which the Legal Services Bill seeks to address.

The report outlines her support for the Government's intentions to reform legal services for the benefit of consumers and the profession. In addition, this report sets out areas where she believes the Bill could still be enhanced.

The Commissioner will continue to offer her support to Ministers and Ministry of Justice (MOJ) officials and work with them to offer assistance as the Bill moves towards implementation. The Commissioner will continue to work with other stakeholders to achieve the best outcome for consumers and the legal profession. She will assist in the transition of her powers as Commissioner as these transfer to the Legal Services Board.

²³ Legal Services Reform – A Perspective – A Special Report from the Legal Services Ombudsman for England and Wales and the Legal Services Complaints Commissioner, available at www.olscc.gov.uk