



Chapter 5

The Office of the Legal Services Complaints Commissioner's Year



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In addition to the work the Commissioner's Office carries out in relation to regulating the Law Society, which is the largest legal professional body, it also has to carry out a much wider range of activities in order to support this. The Commissioner has a small office of 17 staff who need to carry out all the functions of a much larger organisation. In order to deliver these functions, the Commissioner's staff require a number of business delivery skills in planning, finance, HR and learning and development. The Office also has to have clear plans that enable its organisational objectives to be met.

OLSCC has been extremely successful in delivering an excellent standard of service against its objectives for the business year. In particular, the office has been identified as demonstrating best practice in all its Health and Safety

arrangements, and this best practice has been shared with the rest of DCA.

OLSCC staff have contributed to these successes by bringing a host of skills to the organisation. Staff include project managers, qualified health and safety practitioners, auditors, investigators and finance and HR experts, and all are committed to ensuring that the office delivers a quality service. Staff recently participated in a 'Good Ideas' scheme run by DCA to identify any best practice or ideas that individuals had that could be adopted throughout the Department. Over 50% of OLSCC staff received at least one recognition reward and many of their suggestions have been taken forward by DCA.

The functions of the Commissioner's office are explained in more detail opposite.



The OLSCC Business Plan

The OLSCC Business Plan for the period 1 April 2006 to 31 March 2007 sets out the key business objectives that the Commissioner wanted to achieve. These were to:

- be guided by the principles of the Better Regulation Executive, and be proportionate, accountable, consistent, transparent and targeted in the service provided to LCS and SRA, and to always give full reasons for those decisions;
- ensure that staff are aware of the views of all who have an interest in the work of the OLSCC, allowing them to have their say;
- commit to evidence based analysis and constant interaction with those interested in the work of the OLSCC;

- work with and monitor LCS and SRA's performance in complaints handling and taking action, where necessary, to protect the interests of consumers and other stakeholders; and
- ensure that the OLSCC delivers best value by comparing its performance against comparable organisations.

OLSCC Mission

The OLSCC mission is to regulate LCS and SRA, to help ensure that they handle complaints about their members effectively and efficiently, providing consumers with a prompt, quality service.

The OLSCC will do this by positively influencing and supporting LCS and SRA, and work fairly, openly and

honestly with them and all their stakeholders, as an organisation committed to quality and with the consumer and the profession's needs informing the scope of the OLSCC's business.

OLSCC Vision

The OLSCC vision is:

- Of LCS and SRA as complaints handling organisations that provide a fair and prompt service to the consumers of legal services, and
- To be an organisation that consumers, stakeholders and its staff can have confidence in and be proud of.

OLSCC Values

The OLSCC shall:

- Ensure that all staff are independent and impartial in their decisions, working with honesty, integrity and fairness;
- Ensure it is a quality employer, supporting professional development and training to help staff meet business goals and objectives;
- Have a culture that is open, builds trust, and encourages personal responsibility;
- Ensure that the interests and diversity of all those it works with are respected.

People and Learning

The Commissioner is committed to ensuring that all her staff have the appropriate development and training in order to meet her business goals and objectives. To do this and in line with Investors in People principles:

- All OLSCC staff have a personal development plan which feeds into the overall OLSCC Training and Development Plan;
- All OLSCC staff have in place key work objectives; and
- Leadership development and specialist training continues to be delivered.

The OLSCC is an associated office of the Department for Constitutional Affairs (DCA), although it is independent of it and the Government. In line with DCA policies, the Commissioner also developed a number of staff policies, which support both development and learning, and business delivery. This includes a reward and recognition system that recognises exceptional performance within the OLSCC, along with policies such as job shadowing, and flexible working.

Communication Activity

The OLSCC website provides current and relevant information about the Commissioner's role and the work performed by her Office in addition to the publications that it produces. As part of an ongoing assessment of the website, a major rewrite was undertaken in order to ensure it provided consumers and stakeholders with the most up to date information. The newly upgraded site was published in November 2006.²⁴ The site contains reports relating to audits undertaken, current performance information from LCS and SRA and text from the letters the Commissioner has sent to LCS and SRA in respect of decisions she has made about their Plan and complaints handling performance.

Diversity

The OLSCC actively promotes and respects diversity both within its team and the wider environment. All its staff have made a commitment within their personal development plan to take forward specific tasks that will contribute to a more diverse organisation. Members of the OLSCC actively participate in a number of staff network groups across DCA, such as the Women's Issues Network, Proud Network, Rainbow Network and the Carers Network.

Recruitment Activity

In common with the rest of DCA the Office follows the Civil Service Code of Practice on the Employment of People with Disabilities. This aims to ensure that there is no discrimination on the grounds of disability, and that access to employment and career advancement is based solely on ability, qualifications and suitability for the work.

²⁴ www.olscc.gov.uk

Quality Initiatives

The OLSCC has made a commitment to continually improve and to learn from its experiences. It has also invested time in embedding other specific quality initiatives into its day to day work, for example:

- Investors in People Standards –continuing to embed the IIP standards within the OLSCC;
- Chartermark –continuing to work with the Chartermark principles to help ensure that the OLSCC puts all of its customers first;
- Crystal Mark – being committed to ensuring that all its communications meet the requirements of this mark. As a result a number of staff have attended the Plain English training event;
- Balanced Scorecard – continuing to work with the tools within the Balanced Scorecard to manage and measure its performance as an organisation. The tools have been used in producing the OLSCC business plan and its contribution to the DCA business plan.

Health and Safety

The Commissioner is committed to ensuring that her staff, and all visitors to her office, work in a safe and healthy environment, and that the OLSCC meets all health and safety regulations and requirements. Regular risk assessments, workplace inspections and audits are also conducted to eliminate or mitigate risk and maintain the highest standards of safety for everyone.

Service Standards

Following research into other regulators and public bodies, the OLSCC has developed a set of Service Standards, which are available in a customer leaflet, on the OLSCC website²⁵, and in the OLSCC handbook available for staff. The Commissioner has ensured that these standards meet the needs and manage the expectations of all those that have contact with the OLSCC, and they continue to be reviewed on an annual basis to ensure their appropriateness and effectiveness.

²⁵ www.olsc.gov.uk

Budget and Funding of the OLSCC

Under the Access to Justice Act 1999 the Lord Chancellor has required the Law Society, as a professional body, to make appropriate payments towards meeting the expenditure incurred by the Commissioner in the discharge of her functions. Any expenditure not met by these payments is met by funds voted by Parliament.

During 1 April 2006 to 31 March 2007 LCS and SRA budget for complaints handling was £36.122 million. The Commissioner continues to review her Office requirements on a regular basis in order for it to continue its important work in regulating LCS and SRA's complaints handling.

The OLSCC has continued to manage its budget accurately and effectively, in line with DCA standards, to ensure that it remained within its £1.718 million anticipated expenditure for the period 1 April 2006 to 31 March 2007. By constantly reviewing its budget requirements it ensures that it provides a value for money service. To do this the Commissioner has in place a comprehensive budgeting system encompassing compliance controls, with a review and reporting mechanism to provide assurances as budget holder and to DCA.

The Commissioner is committed to the prompt payment of suppliers of services to the OLSCC. Payments are normally made as specified in any contract. If there is no contractual provision or other understanding, they are paid within 30 days of the receipt of goods or services, or on presentation of a valid invoice or other similar demand, whichever is the later.

The most recent prompt payment survey, for the financial year 2006/07, showed that for DCA, 93.7% of invoices were paid on time on the basis of the date of receipt by Liberata, the payment processing agency used by DCA.

The OLSCC adheres to DCA's "Risk Management" policy and the Commissioner has processes within the organisation to identify, assess, control and report risk. There is a review and reporting mechanism in place to help provide assurances to all appropriate parties and the Commissioner has produced a set of annual accounts for 1 April 2006 to 31 March 2007. These can be found in later in this chapter.

The Commissioner's accounts have been audited by the Comptroller and Auditor General, who has been appointed by the Secretary of State for Constitutional Affairs and the Lord Chancellor in accordance with the Access to Justice Act of 1999. The cost of the audit is disclosed later in this chapter at Note number '6' and relates solely to the audit of the Commissioner's accounts.

As far as the Accounting Officer and the Commissioner are aware, there is no relevant audit information of which OLSCC's auditors are unaware. The Accounting Officer and Commissioner have taken all the steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditors are aware of that information.

OLSCC Spending

Total expenditure by the OLSCC amounted to £1.63m in 2006/07, compared to £1.51m in 2005/06. The rise is due to increased accommodation and staffing costs in line with inflation and the Departmental pay agreements, together with a £47k increase in the recharge of indirect costs from DCA.

Of this total expenditure, £1,089,643 relating to staff costs and other direct costs was recovered from the Law Society by the Lord Chancellor as permitted under Schedule 8 of the Access to Justice Act 1999, leaving net expenditure of £540,326 that was funded by DCA.

At the year-end 31 March 2007, this income had not yet been received in cash from the Law Society and therefore it is reflected in the balance sheet as accrued income. Since these amounts are paid directly to DCA, there is a corresponding debt to DCA.

The OLSCC had net liabilities of £76,547 in the balance sheet at the year-end. Since DCA settles all of OLSCC's financial transactions with funds voted by Parliament, it is still considered appropriate to prepare the accounts on a going concern basis.

Pension Liabilities

Pension benefits for the Commissioner and her staff in the OLSCC are provided through the Civil Service pension arrangements. Details can be found in Note 3 of the accounts later in this chapter.

Law Society Penalty

The Commissioner levied a fine of £220,000 on the Law Society during the 2006/07 financial year. Further details of the reason for the penalty are contained in Chapter 2 of this report. Neither the Commissioner or the OLSCC derived any benefit from this receipt, since it was paid under the provisions of Section 52(7) of the Access to Justice Act 1999 and ultimately surrendered to the Consolidated Fund. This penalty will therefore be reflected in the 2006/07 resource accounts of DCA, and is not included in this annual report and accounts. The full amount shown as income in the Commissioner's accounts therefore relates only to the direct funding of the OLSCC's functions.

Stakeholders and Stakeholder Management

The following groups of people have an interest in the work of the OLSCC and its outcomes:

- Consumers of legal services, organisations that represent them and the general public who may be future users of legal services or affected by the way legal services are delivered;
- The Law Society and its members, who have a role in regulating and delivering legal services;
- Parliament, to whom the OLSCC is accountable through the Secretary of State for Constitutional Affairs and the Lord Chancellor;
- Other related organisations, such as other regulators and Ombudsmen with whom we co-operate and share good practice;
- Staff working in the OLSCC and DCA for their expertise and knowledge;
- The Commissioner's Advisory Board and Consumer Board, who support and advise her in her work for consumers and the legal profession.



The Commissioner's Advisory Board and Consumer Board contain high calibre individuals who have provided vital advice throughout the year. They continue to meet regularly with the Commissioner and she is grateful for their input on all aspects of her work.

The Advisory Board

The Commissioner appointed an Advisory Board following her appointment and they have continued to provide her with invaluable support and advice on legal services complaints handling. Biographies for each of the Advisory Board members can be found in Appendix 2.

Legal Services Consumer Board

The Commissioner set up her Legal Services Consumer Board to provide additional focus on expectations of good legal services complaints handling by consumers. The Commissioner brought together people with a broad range of experience and skills with the aim of ensuring that consumers' needs are served, particularly in the Government's reform of legal services. The Commissioner's Consumer Board is advisory in nature. Biographies of Consumer Board members can be found at Appendix 2.

**Interaction between the Legal Services
Consumer Board and the Advisory Board**

The Legal Services Consumer Board has been appointed in addition to the Commissioner's existing Advisory Board. Although one member sits on both Boards, their remits are complementary but separate. Consumer Board members have been appointed because of their renowned expertise in the area of consumer needs and their understanding of customer issues or their research into consumer requirements and experiences. The Advisory Board has a strategic focus covering improvements across all elements of complaints handling by LCS and SRA, whereas the Consumer Board focuses on the consumer perspective. Both play a vital role in advising the Commissioner on her work.