

LEGAL SERVICES COMPLAINTS COMMISSIONER

Freedom of Information Publication Scheme

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Role of the Legal Services Complaints Commissioner

1. The Secretary of State for Constitutional Affairs may appoint a person as the Legal Services Complaints Commissioner (LSCC). The LSCC is an independent champion for the consumer to ensure that complaints about members of certain professional bodies involved in providing legal services are handled effectively and efficiently. The first appointment was made on 23 February 2004.
2. If it appears to the Secretary of State that complaints about members of one of certain professional bodies providing legal services, are not being handled effectively and efficiently, he may require the LSCC to consider exercising in relation to the body, such powers as he may specify from a list prescribed by statute. The statutory powers are set out in Section 52(2) of the Access to Justice Act 1999 and are:
 - (a) to require a professional body to provide information, or make reports, to the LSCC 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 LSCC a plan for the handling of complaints about its members.
3. Where the LSCC requires a professional body to submit to her a plan for the handling of complaints about its members but the body
 - (a) fails to submit to her a plan which she considers adequate for securing that such complaints are handled effectively and efficiently, or
 - (b) submits to her such a plan but fails to handle complaints in accordance with it,she may require the body to pay a penalty.
4. The Secretary of State has only directed the LSCC in relation to the Law Society, which is responsible for solicitors in England and Wales, and has specified for this purpose all of the available statutory powers.

Freedom of Information Act 2000: Introduction

5. The Freedom of Information Act 2000¹ (the Act) received Royal Assent on 30 November 2000. It establishes a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. The Act applies to a huge number of public authorities. When the access rights under the Act come into force on 1 January 2005 you will be entitled, on making a request for information (unless the information falls under one of the specific exemptions in the Act):
 - (a) to be informed in writing by the LSCC whether she holds information of the description specified in your request, and
 - (b) if that is the case, to have that information communicated to you.

The Act provides for a time limit for dealing with a request for information – that is, within 20 working days. We may charge a fee for processing Freedom of Information requests. The fee will be prescribed by secondary legislation.

6. The Act also provides for an appeal mechanism whereby you may apply to the Information Commissioner for a decision as to whether we dealt with a specified request in accordance with the Act.

Publication Scheme: Introduction

7. Under the Freedom of Information Act 2000 all public authorities are obliged to adopt and maintain a Publication Scheme specifying:
 - (a) classes of information which they publish or intend to publish,
 - (b) the manner in which the information is or is intended to be published, and
 - (c) whether the material is or is intended to be made available to the public free of charge or on payment.

The purpose of the Publication Scheme is to ensure that a large amount of information is readily available to members of the public, i.e. without the need for specific consideration under the Act, and to inform the public of the extent of material that is available.

¹ Copies of the Act are obtainable, for a charge, from the Stationery Office. A copy of the Act is also available via HMSO website at www.legislation.hmsso.gov.uk

8. By readily available, we mean that the information will be supplied immediately on receipt of a letter or telephone call to the Office of the LSCC. Annexed is a list of the classes of information that the LSCC publishes or intends to publish.

Publication Scheme: Contacting the Office of the LSCC

9. If you wish to obtain a paper copy of any of the publications contained within the Scheme, please contact Office of the Legal Services Complaints Commissioner (OLSCC) Communications Team

Address: West Riding House, 19th Floor, 67 Albion Street, Leeds, West Yorkshire, LS1 5AA.

E-mail: lynne.fromings@dca.gsi.gov.uk

Tel: 0845 565150

Responsibility for the Publication Scheme

10. The LSCC has overall responsibility for the Legal Services Complaints Commissioner Publication Scheme. The person responsible for maintaining the Publication Scheme on a daily basis is OLSCC, Head of Corporate Services, the address is shown at paragraph 9.

How much do publications cost?

11. In the Annex we indicate for each class whether the class includes chargeable information or not. Where a class does not contain chargeable information, this means that a single copy or printout would be available for free, whereas requests for multiple copies or print-outs may attract a charge for retrieval, photocopying or postage purposes.

One of the following categories will be applicable.

- (a) **Free of charge on website.** There is no charge by us, although the user would have to meet any charges by their internet service provider, personal printing costs, etc. For those without Internet access, a single print-out as on the website would be available by post at the above contact address. However, requests for multiple printouts, or for archived copies of documents that are no longer available on the web, may attract a charge for the cost of retrieval, photocopy, postage, etc. We would let you know the relevant charge at the time of your request and this would be payable in advance.
- (b) **Free of charge hard copy.** We can provide a leaflet, booklet or a printout from the LSCC's Internet site. A

single copy would be available by post from the above contact address. However, requests for multiple printouts, may attract a charge for the cost of retrieval, photocopy, postage, etc. We would let you know the relevant charge at the time of your request and this would be payable in advance.

- (c) **Free of charge to view.** You may look at the document at our office. We may charge if you ask for a photocopy. We would let you know the relevant charge at the time of your request and this would be payable in advance.

Copyright

12. The LSCC retains copyright (and database rights, where applicable) in all the material in this Scheme except where individual material shows otherwise e.g. where it is shown as Crown Copyright. Material in this Scheme in which the LSCC has copyright or database rights may be copied and reproduced without formal permission, provided:

- (a) it is copied or reproduced accurately and is not used in a misleading context,
- (b) where the material is being copied or reproduced for others, the source of the material is identified and the copyright status acknowledged, and
- (c) the copying or reproduction is not for financial benefit.

For material in which copyright or database rights are retained by other organisations formal permission is required before this is copied or reproduced.

Requests for Personal Information: the Data Protection Act 1998

13. You have a statutory right of access (subject to certain exemptions) to personal data about yourself under the Data Protection Act 1998². The right of access here is to personal data held on computer or on structured manual files and you are entitled to be informed whether any personal data concerning yourself is being held by the “data controller”, i.e. the LSCC, and, if so,

- (a) to be given a description of the data in question,

² Copies of the Act are obtainable, for a charge, from the Stationery Office. A copy of the Act is also available via HMSO website at www.legislation.hmsso.gov.uk

- (b) to be told for what purposes the data are processed, and
 - (c) to be told of the recipients or classes of recipients to whom the data are or may be disclosed.
- 14. You are also entitled to be given a copy of the information with any unintelligible terms explained and to be given any information available to the LSCC as to the source of the data. The Freedom of Information Act will extend this right to access to personal data held on any type of file, with effect from 1 January 2005.
- 15. If you wish to apply for access to your personal data, known as a “subject access request”, you should write to LSCC at the address listed in paragraph 9. A request for access to personal data must be dealt with promptly and, in any event, within forty days of receipt of the request. We may charge a fee, not exceeding £10.
- 16. If you consider that a request by you for access to your personal data was not dealt with in accordance with the Data Protection Act 1998 you may take further action as follows.
 - (a) You may apply to the court alleging a failure to comply with the subject access provisions of the 1998 Act.
 - (b) You may write to the Information Commissioner, who may do one of the following:
 - (i) make an assessment as to whether it is likely or unlikely that the LSCC has complied with the 1998 Act,
 - (ii) issue enforcement proceedings if he is satisfied that the LSCC has contravened one of the Data Protection Principles, or
 - (iii) recommend that you apply to court alleging a failure to comply with the subject access provisions of the 1998 Act.

Comments and complaints about the Publication Scheme

- 17. If you have any comments or complaints about our Publication Scheme or if you think the LSCC has not supplied information in accordance with our scheme then you should write, in the first instance, to the person named in paragraph 10.
- 18. We aim to investigate complaints within twenty working days. If, after the investigation of a complaint, you remain dissatisfied then you may ask for the matter to be reviewed internally. We aim to complete internal reviews also within twenty working days. If you are still

dissatisfied then you may refer your complaint to the Information Commissioner.

Review of the Publication Scheme

19. We shall review our Publication Scheme in February 2005 and annually thereafter.

Office of the Legal Services Complaints Commissioner:

West Riding House, 19th Floor, 67 Albion Street, Leeds, West Yorkshire, LS1 5AA.

Office telephone:

08454 56 51 50

Fax:

0113 2615440

Annex: Classes of Information

The Publication Scheme is a complete guide to the information routinely published by the LSCC. It is not a list of the actual publications, since this will change as other things are published. Information that falls into the classes below will be retained in line with our records retention policy.

Class:	Reports to the Secretary of State
Definition:	Annual reports to the Secretary of State on the discharge of the LSCC's functions during the year to which the report relates and any reports to the Secretary of State made at any other time on any matter relating to the discharge of the LSCC's functions. The first Annual Report is due July 2005.
Format available:	Hard Copy Website
£ indicates that this class includes chargeable material:	£

Class:	Formal recommendations in relation to the handling of complaints about members of a professional body except where a recommendation includes personal information.
Definition:	Recommendations in formal exercise of powers under Section 52(2)(c) of the Access to Justice Act 1999, except where a recommendation includes personal information.
Format available:	Hard Copy Website
£ indicates that this class includes chargeable material:	None

Class: Formal targets set in relation to the handling of complaints about the members of a professional body

Definition: Targets set in relation to the handling of complaints about the members of a professional body in formal exercise of powers under Section 52(2)(d)

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Formal requirements for a professional body to submit to the LSCC a plan for the handling of complaints about its members

Definition: Requirements for a professional body to submit to the LSCC a plan for the handling of complaints about its members in formal exercise of powers under Section 52(2)(e)

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Formal guidance to a professional body on the contents of a plan for the handling of complaints about its members.

Definition: Formal guidance to a professional body on the contents of a plan for the handling of complaints about its members which the LSCC has required in formal exercise of powers under Section 52(2)(e)

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Final version of a plan submitted to the LSCC by a professional body for the handling of complaints about its members (except where the professional body publishes the plan itself)

Definition: Final version of a plan submitted to the LSCC by a professional body for the handling of complaints about its members to meet a requirement from the LSCC for a plan in formal exercise of powers under Section 52(2)(e) – except where the professional body publishes itself or intends to do so within 1 month of submission.

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Decisions by the LSCC in relation to a penalty

Definition: Details of any decision under Section 52(3) requiring a professional body to pay a penalty

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: List of –

- Interim Advisory Board members
- Advisory Board members (if a Board is created)

Definition: List of members of an Advisory Board set up for the LSCC

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Register of interests of-

- Interim Advisory Board members'
- Advisory Board members' (if a Board is created and register adopted)

Definition: Register of Interim Advisory Board and Advisory Board members' interests

Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Agenda and summary of minutes of –

- Interim Advisory Board meetings
- Advisory Board meetings (if a Board is created)

Definition: Agenda and summary of minutes of Interim Advisory Board and Advisory Board meetings

Format available: Hard Copy

£ indicates that this class includes chargeable material: None

Class: List of – Consumer Board members
Definition: List of members of the Consumer Board set up for the LSCC
Format available: Website

£ indicates that this class includes chargeable material: None

Class: Register of interests of:
Consumer Board members
Definition: Register of Consumer Board members' interests
Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Agenda and summary of minutes of –
Consumer Board meetings
Definition: Agenda and summary of minutes of Consumer Board meetings
Format available: Hard Copy

£ indicates that this class includes chargeable material: None

Class: Press releases
Definition: Press releases issued by the LSCC
Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Business plans
Definition: Formal annual and periodic business plans of the LSCC
Format available: Hard Copy
Website

£ indicates that this class includes chargeable material: None

Class: Audit Reports
Definition: OLSCC Audit Reports on the Law Society
Format available: Website
Hard copy

£ indicates that this class includes chargeable material: None
