

During July and August my office undertook a benchmarking survey of a number of organisations considered comparable to the Law Society in terms of their complaints handling service, to identify good practice.

OLSCC benchmarking survey

The key areas explored were:

- timeliness in dealing with complaints;
- customer satisfaction measurement; and
- consumer service standards information.

In all, ten organisations participated and it was clear from the survey that there is a considerable amount of difference in the approaches taken by the different organisations. However, there was general agreement about some key aspects of complaints handling including effective quality control measures, case management and the need to manage customer expectations.

I am particularly grateful to the organisations that agreed to participate in the survey and a fuller report will be submitted in the Annual Report at the end of the year. I look forward to sharing the findings from this with the Law Society over the coming months.

OLSCC audit activity

My Investigations team has undertaken two audits of the Law Society's complaints handling

processes. The first, in February 2005, investigated the consistent and appropriate application of the counting rules agreed between the Law Society and the LSO and also examined the use of temporary closures. I reported on this in my Annual Report. In summary, this audit highlighted that 11% of the total number of cases closed over the year 2004-05 were closed using the temporary closure process. It confirmed that the Law Society was applying its policy consistently in most cases.

The second audit, undertaken in May and June 2005, looked into the application of the policy relating to the award of ex-gratia payments. Evidence was gathered by examining 328 case files closed during 2004 and through interviews with Law Society staff. This enabled collection of baseline data against which future improvements can be measured.

Both of the audits conducted by my office found issues across the same areas and my subsequent recommendations to the Law Society related to these. Delay remains an area for concern. The main reasons for delay centred around a failure to allocate files quickly and delays during the progress of the case. In general, I was disappointed that



such a high proportion of the audited files contained problems of some kind, particularly delay, and this highlights the urgency and necessity of the Law Society taking action to address these areas.

Following the audits I have recommended that the Law Society allocates cases more quickly, that on receipt of a complaint the Law Society advises the consumer of the anticipated timescales for the allocation of their case and that quality assurance processes are robust. In addition I have suggested that, in line with its own key performance indicator, it should keep consumers updated on the progress of their complaint every 30 days. At present the Law Society does not meet this KPI on 255 cases a month or over 3000 cases per year. This equates to some 4.1% of its current live caseload and must contribute towards some of the poor customer satisfaction feedback. It needs to address this urgently.

The Law Society has begun the process of responding to my recommendations and I will want to see what specific actions it will implement to address these recommendations, when these actions will be implemented and when it is expected that the benefits from these actions will begin to be realised.

In September my Investigations team began a comprehensive audit of casefiles. The aim of this audit is to consider a range of factors from delay on cases to the appropriate application of policies and procedures. The information gathered from this audit will be used to measure improvement against the baseline data from previous audits. It will allow me to establish whether the initiatives and changes to processes which the Law Society has implemented have had a positive effect on the handling of casework files.

The audit report will be finalised in November 2005 and will be available on my website, www.olsc.gov.uk. I will report on the outcome of my recommendations to the Law Society in my next Annual Report.

Based on the first six months performance, I recognise that the Law Society has some way to go to achieve effective and efficient complaints handling. The targets for 2005-06 are a small step towards this. I anticipated that effective and efficient complaints handling would take about three years in total – two years to make the improvements needed and a third year to show that the improvements could be sustained.

However, it is important to stress that whilst the Law Society has made some progress during the first six months of 2005-06, it has not been at the pace I, or the Law Society in its Plan, had envisaged, and there is still much to do. In particular I hope to see the gaps in performance against the targets met. To take a step towards achieving a level of performance a consumer and the profession should expect, the Law Society needs to use all the resources it has available to it and step up its performance over the remaining six months of the year.

It remains my view that the Law Society can continue to reduce its live caseload, especially the backlog of older cases, if the caseload intake remains as stable as it has been over the last three

years, and if the Law Society utilises all of its capacity to deal with casework anticipated in its Plan.

I also believe that the Law Society needs to focus on managing its customers' expectations better to help improve their satisfaction with its service. In addition, it needs to improve the quality and consistency of its decisions and it needs to act decisively on delays in its processes.

In conclusion, I look forward to further progress during the remainder of the year. My office will continue to work with the Law Society to help deliver improvements to the service it offers to consumers.

Glossary of terms

Act	Access to Justice Act 1999.
CAI	Customer Assessment and Investigation Unit, the part of the Law Society that is responsible for dealing with non-client conduct complaints and complaints in specialist areas such as immigration and discrimination matters.
CCS	Consumer Complaints Service, the part of the Law Society that handles the bulk of client related complaints made against solicitors in England and Wales by users of legal services.
Commissioner	Legal Services Complaints Commissioner.
Conciliation	This is a process leading to the resolution of the complaint by agreement between the consumer and solicitor without the need for a formal decision by the Law Society.
Conduct cases	A complaint that relates to the actions/behaviour of an individual solicitor rather than the service received by the firm of solicitors as a whole.
Counting rules	The counting rules are those agreed with the Law Society as set out in the Legal Services Ombudsman's definitions document and determine whether correspondence received from the consumer is categorised as either an enquiry or a complaint.
DCA	Department for Constitutional Affairs.
Decided	Decided cases include those which are closed by a formal adjudication; cases which do not fall within Law Society jurisdiction or are closed by caseworkers due to a lack of evidence; and cases withdrawn by the customer.
Ex-gratia payments	These are used to compensate the consumer for loss, inconvenience or distress caused by failings in the Law Society service.
LCO	Local Conciliation Officer, these are solicitors who have received complaints handling training to enable them to investigate complaints on behalf of the Law Society.
LSB	Legal Services Board.
MI	Management information.
LSO	Legal Services Ombudsman, appointed by the Lord Chancellor to oversee complaints about solicitors, barristers, legal executives, licensed conveyancers and patent agents by the six professional bodies responsible for setting and maintaining standards of conduct and service within the legal profession. The Ombudsman cannot be a qualified lawyer and is completely independent of the legal profession.
OLC	Office for Legal Complaints.
OLSCC	Office of the Legal Services Complaints Commissioner.
Temporary closures	A case file can be temporarily closed when matters outside of the Law Society control, as outlined in its procedures, are ongoing which may have a bearing on the outcome of the complaint. In these cases, once the matter is resolved, the onus is on the consumer to resume contact with the Law Society.