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Commissioner



INVESTORS IN PEOPLE

**THE LAW SOCIETY'S
PERFORMANCE & PROGRESS AGAINST THE
TARGETS & PLAN
DURING THE PERIOD
1 APRIL 2007 TO 31 MARCH 2008**

**SUMMARY OF PERFORMANCE
APRIL 2007**

• Impartiality • Transparency • Efficiency • Effective remedy •

Appointed under the Access to Justice Act 1999 as an independent regulator working with the Law Society on behalf of the consumer to improve standards in complaints handling

AIM OF THE LEGAL SERVICES COMPLAINTS COMMISSIONER

The aim of the Legal Services Complaints Commissioner (the Commissioner) is to regulate the complaints handling arm of the Law Society to help ensure that it handles complaints about its members effectively and efficiently. The Commissioner's website address is www.olsc.gov.uk

APPROACH TO SETTING TARGETS

In order to focus the Law Society on key areas for improvement, the Commissioner requested that it provide a complaints handling Plan (the Plan) showing how it would deliver performance improvements in its complaints handling system and processes over the period 1 April 2007 to 31 March 2008. In relation to the Law Society's performance, she also set targets in three key areas:

- **Timeliness** – to improve the speed with which complaints are handled by the Law Society;
- **Quality of decisions** – to improve the quality and consistency of complaints handling by the Law Society; and
- **Delivery of the Plan** – to implement the agreed plan for complaints handling.

The targets set by the Commissioner included areas where, if performance was improved, the Law Society could move closer towards delivering an effective and efficient complaints handling service.

The Law Society agreed to the targets set by the Commissioner and included these within its Plan for the period 1 April 2007 to 31 March 2008. A full copy of this Plan along with details of the Law Society's complaints handling organisation can be found on the following websites www.lawsociety.org.uk www.sra.org.uk www.legalcomplaints.org.uk

In setting the targets the Commissioner took into account the Law Society's performance and what it could realistically aim to achieve. The Commissioner considered a range of information, including monthly performance information from the Law Society, the requirement for broader improvements, the results of a benchmarking study conducted by her Office of other complaints handling organisations, and the findings of audits undertaken by her Office in 2005 and 2006. This information demonstrated that the Law Society needed to take further action to improve its systems and processes, including the consistent application of its own policies and procedures when dealing with complaints, as well as delivering more broader improvements, for example, improving accessibility to its services.

At the end of the year, 31 March 2008, the Commissioner will assess whether the Law Society has handled complaints in accordance with its Plan. If she decides that it has not, the Commissioner can levy a penalty on the Law Society of up to one million pounds.

LAW SOCIETY'S COMPLAINTS HANDLING OPERATION

The Law Society handles complaints about solicitors concerning service or conduct issues, from consumers of legal services. For the purpose of this report, "complaints" includes both complaints in which solicitors' clients seek redress, and complaints about solicitors' conduct, whether made by solicitors' clients or by third parties. The term "complaint" does not include enquiries, (where the Law Society provides information, clarification, or an explanation of jurisdiction), these are counted separately.

The Legal Complaints Service (LCS) is the part of the Law Society responsible for handling the majority of client related redress complaints made against solicitors in England and Wales. The Solicitors Regulation Authority (SRA) is the part of the Law Society responsible for dealing with client and non-client conduct complaints.

MONITORING THE LAW SOCIETY'S PROGRESS AGAINST THE TARGETS

This summary report provides information to show how the Law Society is performing against each of the target areas included within its Complaints Handling Plan.

Performance against the timeliness target areas, the Legal Services Ombudsman's satisfaction rating, and delivery of the Plan is monitored via monthly management information reports provided by the Law Society. Progress and performance against some of the quality targets can only be measured by the Commissioner's Office undertaking an audit of case files.

FINAL ASSESSMENT OF THE LAW SOCIETY'S PERFORMANCE AGAINST ITS PLAN

The work outlined in the Plan is aimed at bringing the Law Society's complaints handling service closer to an effective and efficient level of performance and achieving the targets set by the Commissioner.

The Commissioner has the power to levy a penalty against the Law Society if it fails to handle complaints in accordance with its Plan. In determining whether the Law Society has handled complaints in accordance with its Plan, the Commissioner will take the following factors into account at the end of the Plan year, 31 March 2008:

- all factors relevant at the time;
- how many targets are missed, how close the Law Society is to achieving them and how it has performed on the other targets;
- the volume and nature of cases that the Law Society has dealt with compared to the numbers projected in the Plan;
- progress made in implementing the improvement initiatives in the Plan and any recommendations made by the Commissioner;
- whether the resources envisaged in the Plan have actually been deployed.
- whether there is any evidence that the Society is making all reasonable efforts to carry out the Plan in a committed and positive way; and
- any representations made by the Society.

These points will be addressed through the critical analysis of Management Information, Key Performance Indicators, audit findings, meetings with the Law Society, written correspondence and the outcomes of any visits to the Law Society.

Summary of Law Society performance and progress against its targets and Plan during the period 1 April 2007 to 31 March 2008

Timeliness Target T1

- At the beginning of April 2007 there were 163 cases over 12 month old. By the end of April 2007 this had increased by 5 cases to 168 cases over 12 months old.
- Of the 168 cases over 12 months old, 69 cases are over 15 months old and 44 cases are over 18 months old.
- Of the 168 cases over 12 months old, 32 are Redress Conduct matters.

Timeliness Target T2

- The Law Society is currently meeting the 67% timeliness target for cases closed within 3 months.
- April 2007 performance shows the Law Society achieved 73% of cases closed within 3 months.

Quality Target Q1 – Q5

- Progress and performance against each of the following quality targets Q1 – Q5 can only be measured by the Commissioner's Office undertaking an audit of case files. The findings following the first such audit, will not be available until October / November 2007.

	OLSCC audit YTD performance	Commissioner's Targets
Q1 – Acknowledgements		93%
Q2 a) – Providing a substantive response within 45 days		88%
Q2 b) – Providing standard information to consumers		93%
Q3 – Sharing Indicative Awards Guidance at the appropriate stage		85%
Q4 – Contact with consumers & Informants		88%
Q5 – Special Payments		85%

Quality Target Q6

- The Law Society is not currently meeting the 73% quality of decisions performance target.
- April 2007 performance shows the Law Society achieved only 63%, 10 percentage points below the target.

Caseload trends during 2007-08

- The Law Society has reduced the number of cases within its system by 0.5% (20 cases), from 4,055 at the end of March 2007 to 4,035 by the end of April 2007;
- The number of live cases aged over 12 months old has increased by 5 cases from 163 at the end of March 2007 to 168 by the end of April 2007.
- The number of cases over 15 months old has increased by 13 cases from 56 cases at the end of March 2007 to 69 by the end of April 2007.
- The number of live cases aged over 18 months old has increased by 5 cases from 39 at the end of March 2007 to 44 cases by the end of April 2007.
- Conduct caseload was 781 at the end of March 2007. This has reduced by 57 cases to 724 cases by end of April 2007.
- Service caseload was 3,132 at the end of March 2007. This has increased by 51 cases to 3,183 cases by end of April 2007.
- Redress conduct caseload was 142 cases at the end of March 2007. This has reduced by 14 cases to 128 cases by the end of April 2007.

Unallocated cases

- At the end of March 2007 there were 500 unallocated cases, which was 12.3% of the live caseload.
- By the end of April 2007 this had increased to 537 unallocated cases, which is now 13.3% of the current live caseload.

Receipts & Closures

- During April 2007 the Law Society received 1,473 new complaints, 8% (121 cases) below its year to date forecast of 1, 594.
- During April 2007 the Law Society closed 1,493 complaints, 16% (278 cases) below its year to date forecast of 1,771.

Productivity per caseworker

- The average year to date productivity is 7.8 closures per caseworker. During April 2006 to March 2007 the average closure over the year was 8.5 per caseworker.

Special Payments

- During April 2007 a total of 79 special payments were made by the Law Society, totalling £29,100. The largest award made was for £2,000, with an average payment of £368.
- Of the 79 payments made 45 awards were made for £250 or less, 35 of these for delay. Of the 34 payments over £250, 30 were made for delays.

Outsourcing

- Of the 1,493 total closures made during April 2007, 164 (10.9%) have been closed using outsource firms.

Budget

- The Law Society is currently reporting a £168,000 (5.5%) overspend against its year to date April 2007 budget of £3,042m.

Staffing & Resources

- By the end of April 2007 there were 430.1 staff in post, which is 41 (8.7%) below the 471.1 staff it agreed it needed in its 2007/2008 Plan.

April 2007	LCS	SRA	TOTAL
Management	51.35	8.94	60.29
Caseworkers	204.97	31.76	236.73
Support	119.18	13.9	133.08
TOTAL	375.5	54.6	430.1

Complaints Handling Improvement Projects (CHIPs)

In its 2007-2008 Complaints Handling Plan the Law Society has identified a number of areas to help deliver strategic improvements to its complaints handling service in both LCS and SRA. The three CHIPs identified for this year are:

1. Equality & Diversity
2. Overall Complaints Handling Process Review
3. Publishing Solicitors Complaints Records.

Details of these CHIPs are explained in the 2007-08 Complaints Handling Plan, a copy of which can be found on the Law Society's website.

GLOSSARY OF TERMS

Complaint	This is an expression of dissatisfaction about the service provided by a firm of solicitors or the conduct of an individual solicitor where the Law Society takes action to conciliate and settle or investigate.
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 complaints	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.
Indicative Awards Guidance	This guidance is available to both the consumer and solicitor and sets out likely compensation awards to the consumer by putting the effects of poor service into certain categories.
Informant's Protocol	An informant is someone who approaches the Law Society with an allegation or information about a solicitor's misconduct or regulatory breach. The Protocol is the process by which the Law Society updates the informant with progress made in the handling of that report of professional misconduct
Legal Complaints Service (LCS)	The Legal Complaints Service (LCS) is the part of the Law Society responsible for handling the majority of client related redress complaints made against solicitors in England and Wales.
Outsourcing	In order to help it reduce the number of complaints it has in its system, the Law Society uses a number of Solicitor's firms to which it outsources cases to be dealt with.
Productivity	Productivity is measured by the number of cases closed by those caseworkers involved in complaints handling only in any given period.
Redress Complaints	Complaints that relate to the service provided by a solicitor or firm of solicitors where the Law Society can seek compensation for the consumer as a form of redress.
ROM (Reasonable Offer Made)	Caseworkers can close cases on this basis if they are of the view that the solicitor has made a reasonable offer to conciliate the complaint even if the consumer does not want to accept it.
Special Payments	These are used to compensate the consumer for loss, inconvenience or distress caused by failings in the Law Society service.
Solicitors Regulation Authority (SRA)	The Solicitors Regulation Authority (SRA) is the part of the Law Society responsible for dealing with client and non-client conduct complaints.
Substantive Response	A response to a consumer complaint, provided by the Law Society caseworker, that addresses all the consumer's heads of complaint, is specific to their circumstances and serves to progress the matter.
Unallocated cases	These are complaint cases that have not yet been assigned to a caseworker to deal with.