



Zahida Manzoor CBE
Commissioner



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**Office of the Legal Services Complaints
Commissioner**

PRESS NOTICE

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COMMISSIONER ENCOURAGED BY MINERS' COMPLAINTS PROGRESS

The Legal Services Complaints Commissioner, Zahida Manzoor CBE, today (13 January 2009) published the findings of her Office's latest audit of the Legal Complaints Service's (LCS) handling of Coal Health Compensation Complaints. The audit took place to measure how LCS was addressing issues raised by the Commissioner in a Special Report published in January 2008.

The Commissioner said:

"I am pleased that overall LCS improved the way it handled miners' complaints between February 2008 and 30 June 2008. LCS has taken note of the 11 issues raised in my Special Report and has since made good progress in addressing them. In the cases we examined this represents good news for both miners and the legal profession."

The OLSCC Audit reviewed cases that LCS had opened and closed between 1 February 2008 and 30 June 2008. A total of 274 cases were reviewed. The report does not represent how all miners cases have been, or are being presently, handled by LCS. The report also does not explore how information obtained by LCS is referred to the Solicitors Regulation Authority or the action taken to explore potential conduct issues.

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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

The 2008 audit found that in conciliated cases 92% of miners obtained compensation for both the refund of their deduction and an award for poor service. This compares very favourably against the same period in 2007 when only 27% received payments for both aspects in conciliated complaints.

Speaking about LCS's improvement in the handling of miners' cases the Commissioner added:

“The cases we saw that were opened and closed in this 5 month window, were being handled more consistently by LCS, with miners more often achieving a reasonable outcome and receiving the compensation due to them. I hope this can be maintained for other cases yet to be concluded.”

The OLSCC Audit also found that LCS was committing significant effort to resolving coal health compensation cases and had undertaken various initiatives including working directly with individual firms to contact miners where deductions had been made. The audit found that while this might help to speed up the process for miners, the initiatives varied in terms of the amount of communications and support available to the miner from LCS.

The Commissioner therefore urged caution on the part of LCS in modifying these initiatives to reach more miners but with less direct support from LCS:

“I hope that in encouraging speedy resolution of these cases, LCS does not allow solicitors to create further confusion among miners. If firms are writing directly to miners, it is LCS's responsibility to ensure firms are being clear about the nature of the original deduction and why miners may now be entitled to a refund from their solicitor. It would be concerning if miners were deterred from claiming a refund from their solicitor due to the explanation about redress not being clearly spelled out.”

The Commissioner is pleased to note that conduct issues she has previously identified are being concluded by the Solicitors Disciplinary Tribunal (SDT) and sees it as a positive step that it is now bringing to account those firms whom it finds have not acted in the best interests of their clients. However, she added:

“Whilst this may not have happened as quickly as I would have liked, there is at last some resolution for those involved.

“I would hope that the SDT deals swiftly with any other firms that have also not acted properly.”

Notes to Editors

1. Ms Manzoor CBE was appointed Legal Services Complaints Commissioner (the Commissioner) in February 2004 in addition to her role as Legal Services Ombudsman (LSO). The Commissioner only has powers in relation to the Law Society of England and Wales. Ms Manzoor was reappointed as both Commissioner and LSO for a period of three years in March 2006.
2. The roles of the LSO and the Commissioner are distinct. The LSO examines the handling of individual complaints by the legal professional bodies on behalf of members of the public. The Commissioner examines the Law Society's capability to handle complaints made about its members efficiently and effectively.
3. In July 2008, the Commissioner's Research and Investigations team completed its Coal Health Compensation Cases Audit 2008, which looks at the Legal Complaints Service's (LCS) performance in the handling of miners' complaints.
4. Following a previous audit of coal health compensation cases in 2007, a Special Report was published in January 2008 by the Legal Services Commissioner entitled 'Investigation into the handling of Coal Health Compensation Scheme complaints'. The 2008 audit took place specifically to measure how LCS was addressing the issues raised in the Special Report. The 2008 audit reviewed cases that had both opened and closed within the period 1 February 2008 and 30 June 2008. A total of 247 casefiles were audited.
5. One concern identified in this audit relates to the time taken to provide adjudication decisions regarding one particular firm who had refused to conciliate complaints. An adjudication decision should normally take six weeks but it was found that in 159 miners cases it took more than 12 weeks to make the decision and in a further 20 weeks it has taken over 20 weeks. LCS said the main reason for this was the lack of availability of adjudicators. OLSCC will continue to monitor the position.
6. Overall, there has been an improvement in the way LCS caseworkers handled miners' complaints, with the audit finding that a reasonable outcome where information was appropriately shared; the level of compensation was explained; and a suitable amount of compensation obtained was achieved in 99% of cases.
7. This audit has found that in the cases audited LCS has addressed the issues raised by the Commissioner, which in turn has brought about improvements in LCS's handling of these miners' cases from 1 February 2008 to 30 June 2008.
8. The full audit report is published on the Commissioner's website
9. For enquiries please contact Marie Craven, tel: 0113 2615446.

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