



Legal Services Complaints Commissioner

**Legal Services Complaints Commissioner's 2008/09 targets
for complaints handling by the Law Society, Legal Complaints
Service and Solicitors Regulation Authority**

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The Legal Services Complaints Commissioner sets the following targets and makes recommendations in relation to the handling of complaints about the members of the Law Society in England and Wales for the period 1 April 2008 to 31 March 2009. This document must be considered in conjunction with the Commissioner's requirement for an improvement plan for the same period. The targets, measures and recommendations relate to activities that the Commissioner considers to be reasonable for bringing performance to a level that moves the Law Society's Legal Complaints Service and Solicitors Regulation Authority closer towards effective and efficient complaints handling.

Introduction

1. This document sets out the Legal Services Complaints Commissioner's (the Commissioner) 2008/09 performance targets and associated measures for the Law Society's complaints handling function delivered through the Legal Complaints Service (LCS) and Solicitors Regulation Authority (SRA). It also makes a number of recommendations the Commissioner believes are necessary to move the Law Society closer towards delivering an effective and efficient complaints handling service.

Background

2. The Office of the Legal Services Complaints Commissioner (OLSCC) has over the past three years worked closely with the Law Society, LCS and SRA to better understand its organisational direction, structures, expenditure, policy, standards, practices, processes and systems. This relationship continues to be integral to identifying the key areas for improvement by LCS and SRA and informing the associated development work for the Commissioner's targets for 2008/09. The Commissioner is grateful to the Law Society, LCS and SRA for its contribution to this process.
3. The Commissioner has considered all the information available to her to ensure that the targets set reflect appropriately the Law Society's complaints handling business and bring about the necessary improvements and standards in complaints handling. Information and factors considered include:
 - The findings from audits undertaken by the OLSCC including the most recent Indicative Quality Targets Audit undertaken in November 2007;
 - LCS and SRA's performance and delivery against its targets and all elements of its Plan over the last 9 months (1 April to 31 December 2007);
 - Action taken by LCS and SRA to address the Recommendations made by the Commissioner;
 - The Law Society's LCS and SRA's capability to improve;
 - Relevant data, management information and detail on measures provided by LCS and SRA (for which the Commissioner is grateful);
 - Consultation with the Law Society, LCS and SRA on the targets for 2008/09 and proposals from LCS and SRA; and
 - Consultation with OLSCC key stakeholders specifically related to target setting.
4. Following Royal Assent being received for the Legal Services Act on 30 October 2007, the Commissioner also has in view the requirements for the new Office for Legal Complaints (OLC). Amongst other priorities, the handover by LCS of its complaints handling to the OLC in future will

influence the strategic direction of improvements to be made over the next two years by LCS in particular.

5. A further factor taken into consideration by the Commissioner is the period and pace of recovery by the Law Society 's complaints handling arms since the Commissioner was first appointed in 2004. The 1 April 2008 marks for the Law Society its fourth year towards achieving an improved complaints handling service. The pace of improvement so far has been slower than expected and performance inconsistent, particularly in relation to quality. As the creation of the OLC gets closer - time is running out. The Law Society's LCS and SRA need to act now and commit to turning around at a much quicker pace, only then can complaints handling be fit for purpose in readiness for the handover to the OLC. The combination of these factors influence the need to drive up performance so that both the consumer and legal practitioner benefit from an effective and efficient complaints handling service.
6. Bringing together all the available information and knowledge has enabled the development of targets, which the Commissioner considers to be reasonable and achievable.

Scope

7. This document covers a one-year period beginning 1 April 2008 and ending 31 March 2009 and forms the first stage of the Commissioner's strategy for ensuring complaints handling is effective and efficient at the point of the OLC being created. It provides a set of priorities for the Law Society's LCS and SRA's complaints handling service from which are derived targets to be achieved during this period. The Commissioner recognises that changes in technology, consumer expectations and other factors over the coming year may affect the assessment of the Law Society's performance against its Plan. As such, the Commissioner intends to keep the targets for 2008/09 under review.
8. The targets set out in this document relate to all complaints handling activity wherever it occurs within the Law Society's LCS and SRA. The Commissioner has agreed, where appropriate, to set separate targets for LCS and SRA.

Plan and Reporting Requirements

9. All complaints as described above will be counted as set out in the agreed counting rules document. Any proposals to change the agreed counting rules or changes impacting on the counting rules must be discussed and agreed with the Commissioner first before implementation, by LCS and/or SRA.

10. Progress against the Law Society's 2008/09 complaints handling Plan, targets and supporting Key Performance Indicator's (KPIs) must be reported to the Commissioner each month. Ongoing discussions between OLSCC, LCS and SRA ensure that administrative burdens are kept to a minimum. The reporting requirements will be in line with those agreed with LCS and SRA for the 2008/09 monthly performance reports to the Commissioner. These will include monthly and year-to-date information where appropriate. The Commissioner should receive the reports from LCS and SRA no later than the 17th day of each month.
11. Under section 52(2)(e) of the Access to Justice Act 1999, the Commissioner, on 3 October 2007, requested an Improvement Plan from the Law Society for the period 1 April 2008 to 31 March 2009. In that letter the Commissioner gave an overview of her requirements for such an improvement plan.

“For the 2008/09 Law Society complaints handling Plan, I am looking for the Law Society to produce a measurable action plan for improving complaints handling. It would be helpful for the content of the Plan to focus on areas where greatest improvement is necessary. For both Legal Complaints Services (LCS) and Solicitors Regulation Authority (SRA), I would like to see the inclusion of their individual improvement agendas as well as actions for improving complaints handling and a commitment to deliver these. I would also like the Plan to set out the Law Society's accountability functions and responsibility for ensuring successful delivery against the Plan by LCS and SRA.”

12. The restructuring within the Law Society should be reflected in the Plan. The Commissioner expects to see the Plan split into three sections:
- The Law Society as the professional body¹ describing its role and responsibility in relation to the handling of complaints by LCS and SRA. The Law Society should also provide detail on areas it itself sees as being integral to improving complaints handling for the consumer and legal practitioner, such as: for the practitioner, a focus on complaint prevention and promoting good practice in client care, and for the consumer raising awareness in legal service standards to support them in making a positive choice when selecting legal services.
 - LCS action and deliverables to achieve the 2008/09 targets, including addressing the Commissioner's recommendations, using the Legal Services Ombudsman's reports and any internal LCS audit recommendations to improve complaints handling - this section is expected to form a greater part of the Plan.
 - SRA action and deliverables to achieve the 2008/09 targets, including addressing the Commissioner's recommendations, using the Legal

¹ The Commissioner's powers as set out at Section 52 of the Access to Justice Act 1999 relate to “complaints about members of any professional body”.

Services Ombudsman's reports and any internal SRA audit recommendations to improve complaints handling.

13. The Plan should also include all the targets and associated measures relating to the strategic targeting priorities set out in this paper and to be agreed with the Commissioner.

Targeting Principles

14. The 2008/09 targets set by the Commissioner are consistent with recognised guidance on target setting and adhere to the principles advocated by the Better Regulation Executive. The key principles for the targets the Commissioner has set are as follows:

- The targets direct the Law Society towards the achievement of strategic priorities in relation to complaints handling, targeted at priority areas requiring greatest improvement as identified by the Commissioner, Law Society, LCS and SRA.
- The targets are driven by the priorities of the consumer and profession as far as possible. Achievement of the targets should be a good measure of success from their perspective.
- The targets are relatively few in number to enable managers to focus on these key priorities.
- The targets are clear and unambiguously defined so that data can be collected consistently, and the measure is easy to understand and use by both the OLSCC, the Law Society, LCS and SRA.
- The targets do not result in unreasonable data collection costs.
- Delivery of the targets and complaints handling plan must be under the control and influence of managers in the Law Society, LCS or SRA, taking into account contingency arrangements that could be reasonably expected of them.
- The targets are based on robust and up-to-date data.
- Performance against the targets and any complaints handling plan is capable of being audited by the Commissioner's Office.
- The terms of each target can be validated with other comparable organisations.
- The targets meet the SMART criteria (Specific, Measurable, Achievable, Relevant and Timed).

2008/09 Strategic Targeting Priorities

15. The Commissioner has already communicated her priorities for improving complaints handling by the Law Society. For her, these represent what the consumer and profession expects from a complaints handling service, these are:

Strategic Priority 1 **Having a complaint handled in a timely manner – through removing delay and improving or where appropriate maintaining the speed at which complaints are handled.**

Strategic Priority 2 **LCS and SRA achieve a fair outcome for both the complainant and solicitor - through improved decision making (including ensuring that the proper procedures and guidance are followed during investigation) so that the outcome is consistent and accurate.**

Strategic Priority 3 **Achieving value for money through realising clear and measurable benefits from implementation of change/improvement initiatives.**

Strategic Priority 4 **Improving cost efficiency to the handling of complaints.**

16. These priorities have equal importance to support the improvement of services through raising standards within a cost efficient environment. They provide balanced and complementary objectives covering all complaints handling activity within the Law Society.

17. For each strategic priority and associated measure this paper provides a detailed description and information on:

- Why a particular target area has been identified as best meeting the strategic priority;
- The methodology for measuring performance against the target, its level and supporting key performance indicators; and
- The Commissioner's recommendations to support delivery of the strategic priority.

STRATEGIC PRIORITY 1: Building on, and maintaining the improvement in the timeliness of handling complaints.

Timeliness

The time it takes to handle a complaint continues to be an important factor for both the consumer and solicitor. Improvements made in this area by LCS and SRA need to continue and be sustained at an acceptable level. For anyone making a complaint or being complained about it should not be unreasonable for them to expect their complaint to be concluded within 12 months at the latest. LCS is now in its fourth year of improvement and this is an expectation within reach.

For SRA, the Commissioner has asked it to explore further the potential for improving timeliness from the point of the complaint/information being received to the point at which matters are lodged with the Solicitors Disciplinary Tribunal (SDT). Once the Commissioner has received any further information and proposals she will confirm the scope of the timeliness target she will be setting for SRA and any related KPIs.

Target

To improve and sustain the speed with which complaints are handled:

- T1 All LCS complaints from the date of receipt to take no longer than 12 months to investigate and conclude, apart from in exceptional circumstances.**
- T2 LCS to refer to SRA within 3 months of receipt all matters of misconduct identifiable at that time.**
- T3 [The setting of the SRA timeliness target is set subject to ongoing discussions with SRA.]**

How this target will be measured

The timeliness target T1 requires that no cases take longer than 12 months to conclude from the date of receipt. Reporting by the Law Society's LCS, on a monthly basis, the time taken to conclude a complaint from receipt to closure should be sufficient for this target. Full management information reporting requirements for this target are set out below in the KPI section. The target will be missed if any cases from the date of receipt go over 12 months old in-month. If cases do miss the target they will need to be reported to the Commissioner's Office on a monthly basis with the file reference number and a reason given as to why the case has failed the target. At the end of the Plan year should any cases have gone over 12 months old from the date of receipt in year, then the Commissioner's Office may undertake a review of these cases to determine the reason for delay and assess whether there were any exceptional circumstances to take into consideration.

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The T2 target includes all complaints referred by LCS to SRA where a conduct matter is identifiable within 3 months. Where a conduct matter is identifiable at the time it must be referred to SRA within 3 months otherwise the target will not be met. Those cases where the conduct matter was not identifiable within the first 3 months after receipt but raised after this date will not be counted for the purposes of this target. However, conduct matters that were identifiable within 3 months by LCS and were not referred or were referred to SRA after 3 months of receipt, will fail the target. Those conduct matters only identifiable after 3 months of receipt by LCS must be referred to SRA immediately on the conduct matter becoming apparent. Once referred to SRA the complaint will be classified as a Redress and Conduct (RDC) matter by SRA. The RDC creation date will be from the date of receipt (LCS referral form date) from LCS. There should be no gap (number of days) between referral from LCS and the RDC creation by SRA. Full management information reporting requirements for this target are set out below in the KPI section.

KPIs

T/KPI1	Age profile (in months) of carry over to 08/09 as at 1 April 08 – one-off information requirement on request
T/KPI2	Number of closures at 3 months for LCS and 6 months for SRA
T/KPI3	All work in progress by age profile
T/KPI4	Number of receipts for LCS and SRA
T/KPI5	Number of closures for LCS and SRA
T/KPI6	Number and age profile of unallocated cases split by LCS, LCS specialist and SRA including assessment stages.
T/KPI7	Number of closures per FTE by LCS and SRA caseworker
T/KPI8	Number of LCS case transfers and average age of case at transfer
T/KPI9	Timeliness by outcome type
T/KPI10	Age profile of, and number of LCS helpline and written enquiries received and closed
T/KPI11	Number of cases over 12 months old at the end of the previous month (including roll over data)
T/KPI12	Total number of LCS cases transferring into the 'insurer recovery' category each month. Total number of closures each month in the 'insurer recovery' category. The age profile of each case at transfer into the 'insurer recovery' category. The total number of months each case spends in the 'insurer recovery' category before final closure. How many cases resulted in compensation being awarded by the Solicitor, by the insurer and the amount paid.

The requirement for LCS and SRA KPIs relating to the handling of Coal Health Compensation Complaints are detailed at Annex 1 of this paper.

STRATEGIC PRIORITY 2: Improving the outcome of decisions on complaints.

Quality of decision making and outcome

The improvement in the quality of handling complaints by LCS and SRA continues to be a priority area for the Commissioner. This means delivering a fair outcome for both the consumer and the profession. Key to achieving this is improved decision making and ensuring that the proper procedures and guidance are followed so that the outcome is consistent and accurate. The consumer's experience of the process should not be compromised by any aspect of poor service or poor/inconsistent decision making.

The Commissioner has always been keen to measure the quality of complaints handling through a measure developed by the Law Society itself and she requested back in 2004 that such a measure be developed. Whilst the Law Society did commit to developing its own measure of quality, at the time of setting these targets this is still in development for LCS and the subject of ongoing discussion with SRA and could not be included for 2008/09. The Commissioner is disappointed that the Law Society's LCS has incomplete baseline information available to inform the setting of its own quality measure. Without this baseline information LCS cannot measure quality consistently across all of its complaints handling. The Commissioner recommends that the development of a quality measure be given priority by LCS.

The Commissioner will continue to measure quality for LCS through the Legal Services Ombudsman's satisfaction rating. For LCS and SRA she has also introduced a quality of outcome and service measure drawn from her quality audit findings in June 2007. The audit found that there was considerable scope for LCS and SRA to reduce the number of failings found in the outcome and handling of complaints thereby improving the consumer experience.

The approach significantly reduces the number of quality targets previously set by the Commissioner as the measures consider the end-to-end handling of a complaint. It also shifts the focus from measures of process to a measure of outcome and service.

Target

These targets are designed to increase the number of consumers who receive a fair, consistent and reasonable outcome of complaint, and demonstrate impartiality in the services provided by LCS and SRA.

Q1 In 90% of closed complaints, LCS to achieve a fair and reasonable outcome with no significant case failings.

Q2 In 90% of closed complaints, SRA to achieve a fair and reasonable outcome with no significant case failings.

How this target will be measured

Achievement of the target will be measured through a sample audit conducted by the Commissioner's Office. The sample will be drawn from cases opened on or after 1 April 2008 and closed after 1 April 2008 and on or before 31 March 2009 and will be representative of the age profile of cases.

To determine whether an outcome can be described as fair and reasonable for the consumer, each complaint file is examined against a number of high-level criteria that are grouped under three main headings:

- Decision-making
- Consumer circumstances (e.g. elderly, vulnerable)
- Administration of complaint

The audit measures whether:

- The outcome for the consumer is fair and reasonable with no significant failings on the file; this would be considered a pass
- The outcome is fair and reasonable for the consumer but there are some significant failings on the file; this would be considered a fail
- The outcome was not fair and reasonable for the consumer; this would be considered a fail

A fuller description of the criteria against which cases will be measured is attached at Annex 2 and is the same criteria that was used to determine the baseline during the Quality of Outcome Audit undertaken in June 2007. Not all aspects of the criteria will apply to each case and therefore, only relevant criteria will be assessed on each file. There must be evidence on the file that an issue has some significance for it to register as a case failing, for example, avoidable delay of over one month would constitute a significant failing, but would not in itself be an unfair or unreasonable outcome. If the avoidable delay exceeded 3 months and caused the age of the case at closure to be at least twice as long as it needed to be from the original lifespan of the case, this would constitute an unreasonable outcome. Further examples of failings are contained in the Quality of Outcome Audit Report June 2007².

KPIs

Q1/KPI1 Number of and average size of special payments made by LCS and SRA for its own service failings to consumers.

Referrals to the Legal Services Ombudsman

This measure assesses the quality of LCS and SRA's decisions and processes, and captures the number of referrals to the Legal Services Ombudsman (LSO) in which the LSO upholds the handling of the case by LCS and SRA.

² OLSCC Quality of Outcome Audit Report June 2007, www.olscc.gov.uk

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The Commissioner is concerned that for some years now the Law Society has not been as proactive as it could have been in learning lessons from the reports produced by the LSO about the handling of complaints. This year has seen a change in SRA's ability to improve in this area as is evidenced by its year to date performance at 81% when this target was proposed in December.

However, for the LCS it was a very different and disappointing picture, which the Commissioner believes is not insurmountable. LCS was performing at 63% year to date and needs to take urgent action to improve. The Commissioner is aware of the recent findings from the independent audit commissioned by LCS into the outcome of complaints referred to the Ombudsman's Office. The Commissioner notes that a finding of the report recommends that LCS needs to have an appropriate system in place to learn from the LSO reports. The Commissioner believes there is considerable scope for LCS to improve its performance if it invests in having the right systems in place to review fully the LSO reports and control quality.

The Commissioner therefore considers it appropriate to continue with a target in this area for LCS. SRA performance will be measured through a KPI to ensure that the improvements achieved to date are built upon and sustained.

Target

Q3 78% or more of referrals to the LSO in which the LSO upholds the handling of the case by LCS.

How this target will be measured

The measure of this target will be based on the outcomes that can result from a referral to the LSO as follows:

- No further action
- Critical report
- Recommendation to reconsider
- Recommendation to pay compensation
- Recommendation to reconsider and pay compensation

KPIs

Q3/KPI1 Number and percentage of LCS and SRA referrals to LSO
Q3/KPI2 LCS and SRA complaints upheld by LSO decision type.
Q3/KPI3 The percentage of SRA referrals to the LSO in which the LSO upholds the handling of the case by SRA.

Other Quality KPIs

SDT/KPI SRA breakdown of numbers referred and sanctions imposed by the Solicitors' Disciplinary Tribunal.

SRA/KPI	Breakdown of numbers referred and sanctions imposed by SRA
CS/KPI1	LCS and SRA satisfaction with service.
CS/KPI2	LCS satisfaction with outcome.
CS/KPI3	Proportion of complaints about the Law Society's LCS and SRA handled under their internal complaints procedure.
RW/KPI1	LCS and SRA number of reports and average time taken to write a report for adjudication.

Recommendations

Development of a quality measure

For the consumer and profession there needs to be assurance that the decision or outcome from a complaint is reasonable. The LCS need to have systems and measures in place to ensure that this assurance is delivered and where it is not that any shortfalls in quality are addressed.

Q/R1 The LCS should begin work before 31 March 2008 to have in place an initiative agreed by the Commissioner that develops and implements a robust quality measure for its complaints handling and produce by July 2008 a baseline of current performance. This should include:

- **Identification and prioritisation of criteria that enables the quality of outcome and decisions to be measured in all complaints.**
- **Assessment of sample sizes required to produce a robust and representative baseline for quality.**
- **Methodology for measuring against the criteria to assess performance.**
- **A proposal for the level of improvement necessary against the baseline.**

STRATEGIC PRIORITY 3: Successful implementation by the Law Society, LCS and SRA of their improvement Plan for complaints handling.

Implementing the Plan

Implementing change and business improvement successfully is important for any organisation to get right. Whilst LCS and SRA has strengthened some areas of its project management and programme assurance activity, weaknesses still exist. Concerns remain around their ability to effectively scope projects at the outset and from this, identify the benefits to be realised. The question of value for money always has to be at the forefront for those taking decisions on whether a project should be implemented and is indeed viable. However, this can only be judged if the benefits of implementing the project or change expected as a result are identified in advance. As well as identifying the benefits, the improvements must be clearly measurable and evaluation undertaken to ensure that all those benefits identified were actually realised.

The Commissioner is disappointed that LCS and SRA have been unable to set out fully the benefits they expect to realise from their initiatives they have proposed and how these will be measured. The Commissioner requested sufficient assurance that LCS and SRA had identified the benefits they expect to realise from their initiatives and that these were clearly measurable and, added value to complaints handling. Only then could she consider whether it is more appropriate to set a target specific to those. In the absence of measurable benefits the P1 target which was set for 2007/08 is reset for 2008/09.

Successful implementation of the Law Society, LCS and SRA's improvement Plan also requires robust financial and resource management. Performance in these areas will be kept under review by the Commissioner through the monitoring of related KPIs.

Whilst the Commissioner recognises that LCS and SRA in the past year have commissioned and completed audits on their compliance with equality and diversity (E&D) requirements, work on addressing the findings is still in the early stages. The Commissioner has been pressing for action in this priority area since 2004 and is concerned at the lack of progress made to date and is looking for LCS and SRA to meet fully its delegated statutory obligation regarding E&D. She has therefore set a target in this area to ensure that both LCS and SRA within the 2008/09 plan year comply with the Law Society's Public Duty requirements on E&D.

Target

P1 Priority initiatives to support the delivery of the Law Society's 2008/09 complaints handling Plan are delivered to time and cost in

accordance with the Plan, and meet all related milestones and benefits to be realised.

P2 Within the Plan year 2008/09 to meet their delegated statutory Public Duty, LCS and SRA to comply with the Law Society's Public Duty requirements on Equality and Diversity (E&D) including addressing all recommendations made in the LCS E&D audit report May 2007 and the SRA E&D audit report October 2007.

KPIs

P1/KPI1 A detailed breakdown of the total LCS and SRA budget to support the delivery of the Law Society's 2008/09 complaints handling Plan.

P1/KPI2 All resources information (including: LCS and SRA staff, outsourcing, Local Conciliation Officers) to support the delivery of the Law Society's 2008/09 complaints handling Plan.

Recommendations

Raising awareness and complaint prevention

LCS currently has an initiative, which aims to publish solicitors' complaints records. Consideration is now being given by LCS to consult on the range of possible options for this. The Commissioner notes the LCS Board's preferred option to publish only upheld adjudicated complaints at this stage. The Commissioner has concerns about this approach and views that it could be of limited value for the consumer as it provides an incomplete picture. Adjudicated decisions at present represent c.5% of complaint closures by LCS (c.600 complaints). Publishing a small number of complaint decisions could be more confusing to the consumer than helpful. The Commissioner is also concerned that this approach may drive perverse behaviours from those solicitors complained about. For example, solicitors conciliating at any cost in order to avoid the negative impact a published adjudication decision may have on future potential clients.

The Commissioner has always advocated that good customer care by solicitors is important. This goes beyond just complaints handling and includes training and supporting solicitors to improve the service they provide.

Whilst publishing complaints records is a factor to help ensure solicitors learn from their mistakes, a more collaborative approach between LCS, the Law Society and SRA is necessary to deliver an effective and lasting solution.

P/R1 The Law Society, LCS and SRA should develop a range of proposals for implementation during the 2008/09 Plan year, including the consideration of publishing solicitors complaints records to support a more effective solution through a collaborative approach to:

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- **Raise awareness amongst consumers to support them in making a positive choice when selecting legal services.**
- **Improve the solicitors handling of complaints and client care.**
- **Where complaints records are published to ensure that this includes adjudicated decisions, and conciliated complaints, which on the merits of the complaint, are upheld against the solicitor.**

STRATEGIC PRIORITY 4: Improving cost efficiency to the handling of complaints.

Cost Efficiency

LCS and SRA have stated that current costs for handling complaints totals £36.3m. Whilst it is recognised that this includes some indirect costs which LCS and SRA state they have no control over, there are still efficiencies to be made, particularly for LCS as it prepares over the coming years to handover its complaints handling operations to the OLC.

The Commissioner views achieving efficiency as a priority for LCS and SRA and set the foundations for developing this last year through the introduction of KPIs to measure the cost per complaint for both areas. It is appropriate that the overall costs associated with complaints handling are the baseline measure from which efficiencies should be derived. It is for LCS and SRA to determine where within their organisations efficiencies can, and should be made to achieve the targets. However, the Commissioner is concerned to note that from the November LCS organisational staffing figures, there are a total of 401 staff of which 184 (46%) are in management or support services. The Commissioner views there to be a disproportionate effort required to support the business in relation to the effort being utilised to deliver the core function of handling complaints. The Commissioner refers to a major efficiency study of the Civil Service headed by Sir Peter Gershon, which reported in July 2004. It laid particular emphasis on releasing resources to the front line, especially reducing management overheads and back office costs to give more resources to direct contact with the public. An approach LCS should be considering as part of improving overall efficiency and performance.

The handling of complaints about professional misconduct is only one element of the work SRA does. As a consequence, targeting SRA cost efficiency in the same way as for LCS would not be appropriate. Therefore the Commissioner is proposing to measure cost efficiency for SRA through a KPI but has set a target based on the SRA's proposal to achieve efficiency in its caseworkers' productivity.

Target

- C1 LCS to achieve for the plan year 2008/09 a unit cost efficiency saving against its 2007/08 costs of £2,036 achieving a reduction in the average unit cost per complaint to £1,952.**
- C2 SRA to deliver during the Plan year a 5% efficiency in caseworker productivity.**

How the C1 target will be measured for LCS

The measure for this target has been derived from the LCS baseline operational costs provided for the period 1 January 2007 to 31 December

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2007. The baseline unit cost of £2,036 as assessed by OLSCC takes into consideration where LCS is less able to influence their costs due to the shared costs model used within the Law Society. A detailed explanation of the approach taken to arrive at a unit cost and the required level of efficiency is set out in Annex 3. Against the 2007 baseline provided by LCS, a 6% gross efficiency saving is required to achieve the target.

The unit cost will be measured by dividing the gross costs of LCS (excluding any income from the 'polluter pays' policy) by the cases LCS counts as closed. The target will be missed if LCS achieves a unit cost higher than £1952 for the year 1 April 2008 to 31 March 2009.

Management information will be reported to the Commissioner monthly and year to date. The full details of the information required will be discussed with LCS but will also need to show which specific areas have yielded efficiency savings and the level achieved.

How the C2 target will be measured for SRA

The target will be missed if the efficiency in caseworker productivity for the year 1 April 2008 to 31 March 2009 is less than 5% higher than the 2007/08 baseline of 5.37 closures per FTE and must be at least 5.64.

2008/09 Additional recommendations being made by the Commissioner, to improve LCS and SRA's handling of complaints.

Complaint prevention

Everyone can learn from their mistakes and improve. LCS and SRA are ideally placed to encourage and support the improvement of the legal services provided by solicitors. Every day LCS and SRA caseworkers uphold complaints against the solicitor or solicitor's firm. Benchmarking work by the Commissioner's Office in August 2007 shows an opportunity is being missed to help solicitors improve. LCS and SRA could take the outcome of a complaint further by using their findings to educate the solicitor or firm complained about to bring about improvements in the services they deliver. Feeding back to solicitors their failings and providing correctional advice is essential if they are to learn from their mistakes. This is not difficult and should not require additional processes as it can form part of the final decision letter to the solicitor. The recommendation to achieve this is a step towards ultimately reducing the number of complaints received for investigation by LCS and SRA.

A/R1 LCS and SRA should from 1 April 2008, include in their decision letters appropriate details of the correctional action the firm or solicitor need to take to address the identified failings from complaints made against them. The approach should be taken on all decisions, whether conciliated or adjudicated.

This recommendation supports LCS and SRA's overall objectives for improving complaints handling at the front end by solicitors.

Improved Conciliation/Reasonable Offer Made

Evidence from audits conducted by the Commissioner's Office has identified some areas for improvement in the processes applied to conciliation cases and cases closed using the Reasonable Offer Made approach by LCS. Caseworkers share with consumers offers put forward by solicitors as soon as these are made. These offers can be prior to the caseworker actually formally raising the specific heads of complaint with the solicitor and/or prior to the solicitor responding to the issues raised. When the caseworker passes on the offer to the consumer, they are unable to advise the consumer on the appropriateness of that offer if no formal response from the solicitor has been received. This can result in the consumer accepting something that may be significantly below an award that an LCS adjudicator would make.

While it is clear that solicitors will sometimes make offers on a commercial basis and without admitting liability, it is not in the best interests of the consumer to make a decision about the level of an offer to conciliate without sufficient guidance and support from the LCS caseworkers. It would therefore be of benefit to consumers for LCS to improve the level of information obtained and the level of investigation undertaken prior to passing on

conciliation offers and to ensure that solicitors have appropriate reference to the compensation guidance when putting forward these offers.

A/R2 LCS should review its policies on conciliation/ROM, and particularly the policy that suggests caseworkers must share offers with the consumer as soon as these are made. It should consider using it's own internal audit function to establish current practice and ways in which the policies could be improved. This should include a review of how much investigation is required to enable caseworkers to provide sufficiently robust advice and guidance to consumers on any offers of conciliation/ROM put forward by solicitors. The results of this review should be reported to the Commissioner.

Annex 1

[This Annex should be read in conjunction with the 6 February 2008 targets paper, which provides the detail behind the target areas, levels and measures.]

Management Information requirements for Coal Health Compensation complaints handled by LCS and SRA

The Law Society

- Details of Ex-gratia Advance Awards made to Miners each month, including numbers, smallest, largest and average awards and total amount paid per month & YTD and age profile of cases where award has been made

Legal Complaints Service:

- Number of Miners cases received each month
- Number of Miners cases closed including age profile at closure and type of outcome
- Miners WIP at the end of each month, current age profile and carry over for current month and year
- Details of Special Payments made to Miners each month, including numbers, and average awards and total amount paid per month & YTD
- Numbers of staff within the Coal Health complaints handling team, by Team Manager, Caseworkers etc
- Closures per caseworker within the Coal Health complaints handling team

Solicitors Regulation Authority

- Referrals of Miners cases from LCS to SRA each month including date received from LCS, date lodged with SDT, date heard by SDT.
- Number of Miners referrals to SDT each month
- Number of Miners cases heard by SDT each month including outcome
- Number of Miners cases still waiting to be heard by SDT

Annex 2

[This Annex should be read in conjunction with the 6 February 2008 targets paper, which provides the detail behind the target areas, levels and measures.]

QUALITY OF OUTCOME CRITERIA

Appropriate and Reasonable Decision-making

LCS and SRA investigators' understanding and application of their policies in relation to:

- Negligence
- Probate
- Excluded matters
- Adjudication
- Miners cases
- Other general issues
- Referrals to Third Parties (appropriateness and efficacy)

Adequate Investigation:

- All issues appropriately identified
- Relevant supporting information sought, obtained and considered
- All reasonable enquiries conducted
- Provision of information
- Use of Powers in obtaining solicitor responses
- Managing expectations

Conciliation/ROM:

- Suitability of case for conciliation/ROM
- Informed agreement from all parties to conciliate/ROM
- Level of compensation

Closure:

- Case closed appropriately
- Reasonability of conclusions
- Referral of conduct issues

Consumer Circumstances

- Individual consumer circumstances have been taken into account

Administration of the complaint

- Administrative errors (e.g. incorrect address used)
- Regular updates to consumer
- Caseworker failure to respond to consumer, solicitor or third party
- Failures to set deadlines for solicitor
- Changes of caseworker
- Delays

Annex 3

[This Annex should be read in conjunction with the 6 February 2008 targets paper, which provides the detail behind the target areas, levels and measures.]

IMPROVING THE COST OF HANDLING COMPLAINTS

Introduction

1. The cost of handling complaints about the work of solicitors finds its way inevitably into the fees charged to consumers. Spread over all clients the cost may appear negligible. But on an individual case basis the cost of complaint handling can sometimes exceed the charges for the work done. While the quality of outcome and timeliness of response are the priority areas from the consumers' point of view, the cost of the process cannot be ignored. A sensible balance is needed between effectiveness, efficiency and economy. There is now an imperative to ensure that the cost of handling complaints by the Legal Complaints Service (LCS) is reduced.
2. The Commissioner has set a target based on the cost of handling each complaint (a unit cost). This approach is fair and promotes dynamic, customer-orientated management.
3. The other alternative was to use a total budget and set an efficiency target against this. However, a total budget, fixed irrespective of workload, encourages a static, inflexible organisation and prompts over manning when caseload reduces. It also penalises an efficient organisation when caseload rises.
4. The cost per complaint is based on the number of complaints dealt with. This has the beneficial effect of encouraging LCS to reduce its backlog. In the long run a unit cost helps an organisation to be dynamic and continually adjust its working methods and scale of activity to match its workload.
5. A unit cost for LCS complaints work is therefore arrived at, by dividing the total costs of the complaints function by the total number of complaints closed.
6. Other organisations have been known to streamline their processes, giving greater responsibility to case workers to resolve matters, skilling their staff appropriately, moving towards paperless offices, improving value for money from bought in services and contracting out back office functions such as enveloping and despatch. Such measures cannot be brought in over night, but they can yield appreciable benefits in the medium term. An improvement from the current LCS unit cost to a desired medium term goal can be achieved over a three year period by weighting the savings more towards the end of the period rather than following a straight line improvement.

Baseline

7. LCS has provided baseline costs and number of complaints handled for 2007. Unit costs are calculated by dividing the costs by the cases that LCS currently counts as its own closures.
8. The 2007 cost baseline provided is £29,337,933. Number of case closures by LCS for the same period is calculated as 14,413. This gives a unit cost of £2,036.
9. The Commissioner has set a unit cost target for 2008/09 of £1,952.

Methodology

10. The spreadsheet at the end of this annex, details how a baseline for the financial year 2008-09 has been calculated.
11. The credit from polluter pays is excluded. It would be wrong to deduct cost recovery from gross costs. From the consumers' viewpoint, they ultimately meet the full cost of the complaint function through their solicitors' fees. Therefore, the gross cost of handling complaints is the only fair way to represent this.
12. LCS proposed a methodology of adding a price percentage for 2008 to the 2007 outturn and then calculating a unit cost. This is not appropriate since 2007 is the base year, not 2008. The base unit cost must be calculated using 2007 outturn expenditure and outturn closure numbers. Then future price and efficiency percentages can be applied to calculate any target for later years.
13. The Law Society for 2008 has approved an uplift of 4% to the costs of LCS. That does not mean that the starting point for a unit cost should be uplifted identically. Some increase for prices is acceptable, but the Chief Secretary to the Treasury has asserted that the Government is determined to improve efficiency and value for money in the public sector and ensuring public sector pay remains consistent with its 2% inflation target. Government departments may have to fund all of any pay rise by efficiency improvements. Certainly any pay rise over 2% is likely to be frowned on unless the excess is made up for by efficiency improvements. Therefore, a 2% uplift has been added to the baseline.
14. It is important that LCS uses the baseline information from the spreadsheet when reporting externally on unit costs for the purposes of the Commissioner's targets. It may, of course, need to retain its existing methodology when reporting internally for Law Society purposes.

The Future

15. The Commissioner is looking to improve the cost of handling complaints by LCS over the next three years. Each subsequent year the percentage improvement should increase as the handling of complaints improves.
16. At the end of three years LCS should have a unit cost that is more comparable to other complaint handling organisations.

Legal Services Complaints Commissioner – 2008/09 Targets

Creation of Cost Baseline for 2007

		2007 Actual	2007 Baseline	Notes
		of OLC items		
Experience Operation	OS06 Customer Contact Centre	4,360,480	4,360,480	
	OS29 Casework #1 Team	3,833,103	3,833,103	
	OS02 Casework #2 Team	3,241,777	3,241,777	
	OS14 Casework #3 Team	2,857,990	2,857,990	
		<u>14,293,350</u>	<u>14,293,350</u>	
Additional Operation	Adjudication	300,000	300,000	
	LCO	691,968	691,968	
	Outsourcing	1,326,029	1,326,029	
	<u>2,317,997</u>	<u>2,317,997</u>		
Direct Support	OS25 Management Information	226,975	226,975	
	OS07 Business Planning	125,000	125,000	
	OS05 TAPS	409,916	409,916	
	OS23 Q&SS	981,573	981,573	
	OS13 Tech Training	281,242	281,242	
	<u>2,024,706</u>	<u>2,024,706</u>		
Cost Recovery	Polluter Pays	-78,520	0	Not relevant for consumers or benchmarking unit costs
Corp/Strategic Support	OS36 Chief Execs Office	746,232	746,232	
	OS49 LCS General Overheads	153,217	153,217	
	OS13 HRD	630,519	630,519	
	OS31 Business Improvement	426,489	426,489	
	OS51 Comms	41,666	41,666	
	OS03 Business Support	661,155	661,155	
	<u>2,659,278</u>	<u>2,659,278</u>		
TOTAL COST OF CORE BUSINESS		21,216,811	21,295,331	
Other Costs	OLC Transition	9,351	9,351	
	LCS Board	271,679	271,679	
	LSCC Levy	926,000	926,000	
	LSCC Interaction	195,904	195,904	
	<u>1,402,934</u>	<u>1,402,934</u>		
Shared Costs	<i>2007 Forecast</i>			
	Finance, Internal Audit and Facilities	909,000	909,000	In full as not in other budget. Includes payroll, accounts etc for finance and maintenance, security, H&S etc
	HRD	473,000	0	In LCS headcount
	ICT	3,615,000	3,615,000	
	Research	17,000	0	In LCS headcount
	General Counsel	1,096,000	365,333	1/3 cross charge used to reflect amount used
	Communications	22,000	0	In LCS headcount
Irrecoverable VAT on shared costs	477,000	380,335	Applicable to all shared costs: calculated pro rata	
	<u>6,609,000</u>	<u>5,269,668</u>		
Fixed Costs	<i>2007 Forecast</i>			
	Premises	1,158,000	1,158,000	
	Irrecoverable VAT on premises	212,000	212,000	
	<u>1,370,000</u>	<u>1,370,000</u>		
TOTAL COST OF NON OPERATIONS		9,381,934	8,042,602	
GRAND TOTAL		30,598,745	29,337,933	

Number of closures used for LCS unit costs purposes (2007)

LCS closed cases Jan-Dec 2007		14,057	
RDC closures Apr-Dec 2007	267		
Estimated RDC closures Jan-Dec 2007		356	Pro rata to Apr-Dec figure
		<u>14,413</u>	

BASELINE UNIT COST PER CLOSURE IN 2007 **2,036** Grand Total / closures (incl RDC cases) in 2007

For 2008-09

Add: Salaries and inflation uplift	2%
Deduct: Required efficiency saving	6%

REQUIRED UNIT COST FOR 2008-09 **1,952**

Summary of Targets for Complaints Handling by the Law Society’s LCS and SRA: 2008/09

[This Annex should be read in conjunction with the 6 February 2008 targets paper, which provides the detail behind the target areas, levels and measures.]

Strategic Priority	Targets for 2008/09
<p>SP1 Building on, and maintaining the improvement in the timeliness of handling complaints.</p>	<p>T1 All LCS complaints from the date of receipt to take no longer than 12 months to investigate and conclude, apart from in exceptional circumstances.</p> <p>T2 LCS to refer to SRA within 3 months of receipt all matters of misconduct identifiable at that time.</p> <p>T3 [The setting of the SRA timeliness target is set subject to ongoing discussions with SRA.]</p>
<p>SP2 Improving the outcome of decisions on complaints.</p>	<p>Q1 In 90% of closed complaints, LCS to achieve a fair and reasonable outcome with no significant case failings.</p> <p>Q2 In 90% of closed complaints, SRA to achieve a fair and reasonable outcome with no significant case failings.</p> <p>Q3 78% or more of referrals to the LSO in which the LSO upholds the handling of the case by LCS.</p>
<p>SP3 Successful Implementation by the Law Society, LCS and SRA of their improvement Plan for complaints handling.</p>	<p>P1 Priority initiatives to support the delivery of the Law Society’s 2008/09 complaints handling Plan are delivered to time and cost in accordance with the Plan, and meet all related milestones and benefits to be realised.</p>

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	<p>P2 Within the Plan year 2008/09 to meet their delegated statutory Public Duty, LCS and SRA to comply with the Law Society’s Public Duty requirements on Equality and Diversity (E&D) including addressing all recommendations made in the LCS E&D audit report May 2007 and the SRA E&D audit report October 2007.</p>
<p>SP4 Improving cost efficiency in the handling of complaints.</p>	<p>C1 LCS to achieve for the plan year 2008/09 a unit cost efficiency saving against its 2007/08 costs of £2,036 achieving a reduction in the average unit cost per complaint to £1,952.</p> <p>C2 SRA to deliver during the Plan year a 5% efficiency in caseworker productivity.</p>

Commissioner’s consideration of LCS’ comments on the proposed complaints handling targets for 2008/09

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>1 – GETTING THE RIGHT ANSWER</p> <p><u>Fair and Reasonable Outcome</u></p> <p>LCS has confirmed its commitment to achieving the quality target proposed at 90% but can only agree this on the basis of how it wants this target to be measured. LCS has the following reservations on how the target will be measured:</p> <p>(a) The measure is not a ‘clean’ measure of fair and reasonable outcome, but also measures how the case has been handled in more general terms. The measure should be renamed to better represent what it measures e.g. ‘Complaint Handling Measure’ or ‘Service and Outcome Measure’.</p> <p>(b) It is unreasonable for all items to be correct for a case to pass. LCS proposes a measure that involves weighting the seriousness of failings.</p>	<p>The targets should not be viewed as prioritised from the order in which they are presented in the Commissioner’s targets paper. LCS should include in the plan all targets set. It is a matter for LCS if it wishes to change the ordering of certain targets.</p> <p>(a) The target measure has been amended to read ‘Outcome and Service Measure’.</p> <p>(b) This method of calculation is substantially different from the measure applied during the Quality of Outcome Audit, which assessed case failings. To alter the measurement at this stage would render the baseline information unusable. Not all items are applicable to all cases and only those issues significant enough to be recorded will be counted as a failing. Examples of failings are already available in the OLSCC Quality of Outcome Audit report 2007 and the OLSCC audit team are available to work with LCS staff to ensure a consistent approach.</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>(c) Some aspects of this measure duplicate the timeliness and/or customer service targets.</p> <p>(d) Absence of evidence on the file does not guarantee that a customer has not received a full service.</p> <p>(e) Auditing this measure requires some assessment of technical accuracy; the OLSCC has indicated they do not have these skills in-house.</p> <p>(f) LCS will need to realign its internal audit and would appreciate joint discussions with OLSCC.</p> <p>(g) To make the audit process more efficient, LCS suggests that both Offices work together with a move in the future to OLSCC auditing LCS audits only.</p>	<p>(c) Measurement of delay is not duplicated through the timeliness and quality targets. For example a complaint could have been concluded within the 12 month timeliness target and would have met the target but there could have been avoidable delays during that period which impact on the consumer’s experience. The quality target specifically measures the aspect of avoidable delay within reasonable bounds.</p> <p>(d) Any evidence-based system of measurement relies on the completeness of recording of information. This has been true of all the case file audits to date and LCS have therefore, had ample time to ensure that all caseworkers are aware of the importance of fully recording their actions on the file.</p> <p>(e) The judgements made to baseline the target were carried out by OLSCC staff and involved assessment against the same criteria which has been set.</p> <p>(f) The OLSCC agree that the Offices should work together to ensure consistency of audit measurement and to consider the way in which the sampling processes could be aligned.</p> <p>(g) OLSCC will work with LCS to help ensure that the agreed measurement of the target is appropriate. OLSCC will continue with its current approach to auditing as necessary but will consider moving towards auditing LCS audits when confidence levels suggest this is appropriate.</p>

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>(h) To improve the mid-term OLSCC quality audit by using the results in the end of year review.</p> <p>LCS deems the target set by the Commissioner to be at a ‘perfectionist’ level.</p> <p><u>LSO Index</u> The LSO index is not a current measure, the average time between the event and the LSO report is 15 months. LCS maintains that a target level of 78% is unrealistic and in the absence of agreeing any changes to the measure the target should remain at 72%</p>	<p>(h) The OLSCC agrees that in those cases that are randomly selected in both the ITA sample and the year-end sample, the findings from ITA would stand. However, given that the sample is drawn from the age profile of cases, which is different at the ITA stage to that at year-end, a new sample at year-end needs to be taken to be properly representative of the work of LCS.</p> <p>It is concerning that even if the target level set (90%) is achieved by LCS, it still means approximately 1,800 consumers could receive a less than satisfactory outcome to their complaint in 2008/09.</p> <p>The Quality of Outcome and Service target remains at 90% and will be to achieve a fair and reasonable outcome with no significant case failings measured as defined in the final 2008/09 targets paper.</p> <p>Referrals to the LSO can be up to 3 months after the case is closed by LCS and can take a further 3 months for the LSO consideration and referral back to LCS. For the past 3 years LCS has suggested that improvements it has introduced in-year should bring about an uplift in performance by the end of the year, but this has not been the case. The LSO target has also remained static at 73% for the last two years and statements that improvements are being made should reflect in a higher performance level.</p> <p>LCS commissioned an independent audit of LSO reports in</p>

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<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
	<p>2007. Part of its findings said that LCS should learn from the reports produced by the LSO. If acted on LCS should be able to eliminate many of the recurring problems it has faced over the last three years.</p> <p>More recently there has been an improvement against the existing quality targets. As the effects of this feed through into the cases seen by the LSO, this should assist reducing the number of adverse findings by the LSO.</p> <p>Also, LCS currently closes 63% of cases within 3 months, which should mean that a larger proportion of cases referred to the LSO are concluded in-year.</p> <p>Finally, the measurement of this target is based on the LSO case findings. The LSO is an independent statutory office and any concerns LCS has about adverse findings on LCS cases considered by the Ombudsman are a matter for LCS to take up directly with the LSO.</p> <p>The LSO index target remains at 78%</p>
<p>2 – DOING IT QUICKLY</p> <p><u>Closures within 12 months</u> LCS has identified two areas where the case could take longer than 12 months to resolve and that exceptional circumstances should be considered as part of the measure.</p>	<p>The OLSCC agree that there should be some acknowledgement that ‘exceptional cases’ may legitimately extend the lifespan of a case beyond 12 months. However, there should not be a distinction between whether action was taken to address issues</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p><u>RDC referrals within 3 months</u> LCS can only refer misconduct matters to SRA within 3 months where misconduct is suspected or apparent; some matters may arise much later in the investigation but were not apparent at the time.</p>	<p>or not. Cases should be closed within 12 months unless the circumstances are outside of LCS control. These files would be reviewed by OLSCC on a case-by-case basis to assess whether they are indeed ‘exceptional’.</p> <p>The 12 month target will be “LCS to close all cases within 12 months of receipt, apart from in exceptional circumstances”.</p> <p>The target has been amended to reflect this.</p> <p>The 3 month RDC target will be “ LCS to refer to SRA within 3 months of receipt all matters of misconduct identifiable at that time”.</p>
<p>3 – INFORMING THE CUSTOMER</p> <p><u>Providing Key Information</u> A target is being developed in this area and will be used to build a baseline for future monitoring of our performance.</p> <p><u>Customer Service Satisfaction</u> Current performance in this area will continue to be measured and used as a maintenance target.</p>	<p>This has been noted.</p> <p>This has been noted, but will not be a target set by the Commissioner and should not be expressed in the Plan as such.</p>
<p>4 – PROVIDING VALUE FOR MONEY A target is proposed that reduces the cost of LCS to enable its 2009 budget to be at least 4.5% lower than 2008 in real terms. LCS has suggested an uplift to the ‘flat’ budget of 4% for salary</p>	<p>It is appropriate that the overall costs associated with complaints handling are the baseline measure from which efficiencies should be derived. It is for LCS to determine where within their</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>increases. Adjustments to the Commissioner’s costs proposals which are not agreed are:</p> <ul style="list-style-type: none"> • Finance & Facilities should be included as 100% existing shared cost. • Irrecoverable VAT is not all on ICT but in fact relevant to all shared costs. • Income generation (Polluter Pays) should be recognised as reducing overall running costs. 	<p>organisations efficiencies can, and should be made to achieve the targets.</p> <p>LCS proposed a methodology of adding a price percentage for 2008 to the 2007 outturn and then calculating a unit cost. This is not appropriate since 2007 is the base year, not 2008. The base unit cost must be calculated using 2007 outturn expenditure and outturn closure numbers.</p>
<p>BUSINESS IMPROVEMENT</p> <p>LCS has suggested assessment against the benefits realised and should not require targeting, as the objectives will feature in the complaints handling Plan.</p>	<p>Whilst attempts have been made to include benefits realisation information in the LCS response, it is unclear how, what has been proposed by LCS, can be measured. The OGC methodology for identifying and delivering benefits has been provided as part of your suggested approach but in practice this methodology has not been applied by LCS in any significant degree to the business improvements listed. Without a measurable benefit it is not possible to set a target.</p> <p>The P1 and P2 target remains.</p>
<p>RECOMMENDATIONS</p> <p><u>Q/R1 Development of a quality measure</u></p> <p>Work is continuing by LCS on developing a quality measure.</p>	<p>Q/R1 The development of this by LCS was first requested by OLSCC in 2004. A commitment by LCS in the complaints handling Plan should state clearly the plans and timescales for developing an appropriate quality measure.</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of LCS comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p><u>P/R1 Raising awareness and complaint prevention</u> This is being progressed through the initiative to publish complaints records.</p> <p><u>A/R1 Complaint Prevention</u> LCS caseworkers taking correctional action is being considered and the final approach will be included in the Plan.</p> <p><u>A/R2 Improved Conciliation/Reasonable Offer Made</u> This policy has been included in the programme of policy reviews.</p>	<p>P/R1 The complaints handling Plan will need to demonstrate what collaborative efforts are being made across the Law Society, LCS and SRA to raise awareness amongst consumers and to support solicitors to help prevent complaints. The Commissioner is looking for a commitment to make a real difference and one that can be measured.</p> <p>A/R1 LCS needs to improve the way in which it encourages solicitors to improve their handling of complaints. The Plan to be submitted will need to include how correctional action following a complaint will be shared with the solicitor to provide assurance that the recommendation is being appropriately actioned.</p> <p>A/R2 The complaints handling Plan will need to state clearly the plans and timescales for addressing this recommendation specifically. This could include any changes as a result of the recent review into adjudication.</p>

Commissioner’s consideration of SRA’s comments on the proposed complaints handling targets for 2008/09

<p>Summary of SRA comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>1 – DELIVERING QUALITY CASEWORK SRA has proposed a quality measure based on a combination of adjudicator feedback, LSO index and internal file reviews.</p> <p><u>LSO Index</u> SRA shares LCS’ concerns over the accuracy of this measure, in particular they support the view that OLSO referrals should only be accepted after resolution has been sought through their internal complaints process.</p> <p><u>Other Quality KPIs</u> The KPI for customer satisfaction should be amended, as SRA will only measure satisfaction with service.</p>	<p>The SRA proposed measure for quality is currently the subject of ongoing discussion with OLSCC.</p> <p>The Quality of Outcome and Service target remains at 90% and will be to achieve a fair and reasonable outcome with no significant case failings measured as defined in the final 2008/09 targets paper.</p> <p>The measurement of this target is based on the LSO case findings. The LSO is an independent statutory office and any concerns SRA has about adverse findings on the SRA cases considered by the Ombudsman are a matter for SRA to take up directly with the LSO.</p> <p>Amendment accepted.</p>
<p>2 – TIMELINESS</p> <p><u>Treatment of RDCs</u> SRA welcomes that the RDC creation date for SRA will be from the date of receipt from LCS and any work that is carried over into April 2008 will have a start date from the RDC creation date.</p>	<p>The RDC creation date should be from the date of receipt (LCS referral form date) from LCS. There should be no gap (number of days) between referral from LCS and RDC creation by SRA.</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of SRA comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p><u>Closures within 12 months</u> SRA do not believe it would be a good idea to include in the target the litigation stage (referral and lodging with SDT).</p> <p>SRA has identified two areas where conduct complaints could take longer than 12 months to resolve and that exceptional circumstances should be considered as part of the measure.</p>	<p>SRA is exploring further the potential for improving timeliness from the point of the complaint/information being received to the point at which matters are lodged with SDT. Once the Commissioner has received any further information and proposals she will confirm the scope of the timeliness target she will be setting for SRA and any related KPIs.</p> <p>This is still subject to discussion with SRA however, the OLSCC agree that there should be some acknowledgement that ‘exceptional cases’ may legitimately extend the lifespan of a case beyond 12 months. However, there should not be a distinction between whether action was taken to address issues or not. Cases should be closed within 12 months unless the circumstances are outside of SRA control. These files would be reviewed by OLSCC on a case-by-case basis to assess whether they are indeed ‘exceptional’.</p>
<p>3 – PROVIDING VALUE FOR MONEY</p> <p><u>Cost Efficiency</u> The methodology currently reported in the plan for 2006/7 and the YTD figure for 2006/7 will be used as the baseline for 2008/9.</p>	<p>This is agreed but the baseline will be taken from the 2007/08 reporting.</p>
<p>4 - BUSINESS IMPROVEMENT SRA has suggested assessment against the benefits realised and that these should not require targeting, as the objectives will</p>	<p>Whilst attempts have been made to include benefits realisation information in the SRA response, it is unclear how, what has</p>

Legal Services Complaints Commissioner – 2008/09 Target Proposals

<p>Summary of SRA comments as set out and numbered in either its covering letter or detailed response of 25 January in response to the Commissioner’s proposed targets for 2008/09</p>	<p>Commissioner’s consideration</p>
<p>feature in the complaints handling Plan.</p>	<p>been proposed by SRA, can be measured. Without a measurable benefit it is not possible to set a target. The P1 and P2 target remains.</p>
<p>RECOMMENDATIONS</p> <p><u>Development of a quality measure</u> Work is continuing on developing a quality measure.</p> <p><u>Raising awareness and complaint prevention</u> This is being progressed through the initiative to publish complaints records.</p> <p><u>Complaint Prevention</u> By the very nature that a rule is deemed to have been breached, then it is self evident in the sanction applied that a solicitor should not repeat that breach.</p>	<p>SRA has proposed its own quality measure, which has been agreed by OLSCC.</p> <p>The complaints handling Plan will need to demonstrate what collaborative efforts are being made across the Law Society, LCS and SRA to raise awareness amongst consumers and to support solicitors to help prevent complaints. The Commissioner is looking for a commitment to make a real difference.</p> <p>This will need to be included in the Plan submitted to provide assurance that the recommendation is being appropriately actioned.</p>