

**Office of the Legal Services
Complaints Commissioner**

**Summary of
the Legal Complaints Service &
the Solicitors Regulation Authority's
performance and progress against the
Commissioner's targets and
recommendations during the period
1 April 2009 to 31 December 2009**

April 2009

Summary of LCS & SRA performance & progress against the Commissioner's targets & recommendations during the period 1 April to 31 December 2009.

In accordance with section 52(2)(c) and 52(2)(d) of the Access to Justice Act 1999, the Commissioner wrote to the Law Society on 25 February 2009, formally setting targets and making recommendations for the Legal Complaints Service (LCS) and the Solicitors Regulation Authority (SRA) for period 1 April 2009 to 31 December 2009.

In setting these targets, the Commissioner stated that her key priorities for improving complaints handling for the consumer and the profession, as the LCS nears closure and prepares for handover to the Office for Legal Complaints (OLC), would focus on improving and sustaining timeliness and reducing the work in progress levels.

Based on information provided to the Commissioner, the latest assessment of LCS and SRA performance against the 3 target areas and 5 recommendations set for the period 1 April 2009 to 31 December 2009 is as follows:

Target T1 – LCS to investigate and conclude at least 87% of cases within 6 months of receipt.

- LCS report that by the end of April 2009 it had closed 85% of the 1,227 cases it received in October 2008 (1,041 cases were closed within 6 months of receipt).

Target T2 – LCS to investigate and conclude 100% of cases within 12 months, apart from in exceptional circumstances.

- By the end of April 2009 LCS reported that it had 65 cases open over 12 months old, of which 63 were insurer's cases. This is an increase of 22 cases against the 43 cases LCS reported it had open over 12 months old at the end of March 2009.

Target T3 – LCS to maintain work in progress levels at 3,445 by 31 December 2009

- By the end of April 2009, LCS report that there are 3,957 cases open within its complaints handling system. This is an increase of 218 cases against the 3,739 cases LCS reported it had open at the end of March 2009.

Recommendation R1 - The Law Society is responsible for delivery of the LCS complaints handling plan. It should ensure that it has sufficient and adequate systems and processes in place to monitor and evaluate LCS performance against this plan on a monthly basis. The Law Society should ensure that quality is maintained, whilst closely monitoring intake, closures & LCS resource levels with a view to taking early action as appropriate.

- Letter received from the Law Society dated 30 March 09 states that it will ensure it has adequate systems and processes in place to monitor and evaluate LCS performance against its plan on a monthly basis.

Recommendation R2 - The Law Society should ensure that the LCS measurement of its quality target is based on a representative sample of cases as now, and NOT as a sample of file reviews as stated in the LCS plan.

- Letter received from the Law Society dated 30 March 09 states that that it has decided to adopt the approach to measurement of the quality target which LCS recommend as it believes that this will provide a sound sample, whilst keeping to a minimum the costs of the monitoring exercise itself.
- The Commissioner does not believe that the sampling method adopted by LCS is as robust as the recommendation requires. She will, however, continue to monitor how LCS performs against its quality measure.
- During the period January 2009 to March 2009 LCS report that it achieved a fair outcome and service standard, without significant failings, in at least 90% of cases closed, against its own internal target measure of 90%.

Recommendation R3 - The Law Society should ensure that the LCS continues to aim for the current Legal Services Ombudsman (LSO) target set by the Commissioner for 2008/09, and that 78% or more of referrals to the Legal Services Ombudsman result in the LCS handling of the case being upheld.

- Letter received from the Law Society dated 30 March 09 states that it will ensure LCS provides information to enable its performance in relation to this recommendation to be measured.
- The Commissioner will continue to report LCS performance against the LSO measure.
- During April 2009 LCS report that it achieved a 72% LSO satisfaction rating, 6 percentage points below the recommended 78% level.

Recommendation R4 - The Law Society should ensure that LCS takes action to reduce the ratio of support staff against operational staff within its organisation more in line with the 15% - 25% of support staff shown in the benchmarking figures identified in the PA Consulting Report, 'Designing the Office for Legal Complaints' dated 28 March 2008, rather than the 43% of support staff it proposes in its plan.

- Letter received from the Law Society dated 30 March 09 states it will continue to work with LCS to seek economies wherever they can be achieved without damaging the service provided on individual complaints. It has already agreed with LCS a significant reduction in its policy work, in view of the imminence of the establishment of the OLC. It does not propose to set any specific target in relation to ratio of support staff against operational staff.

	Management	Caseworkers	Support	TOTAL
March 2009	56.39	202.22	104.42	363.03
April 2009	57.59	197.62	98.77	353.98

- At the end of March 2009 there were 363.03 FTEs in post within LCS. By the end of April 2009, this had reduced by 9.05, to 353.98 FTEs in post.
- LCS reports that this is currently 31.04 FTEs (8%) below the monthly establishment figure of 385.02 FTEs it expected to have in post by the end of April 2009. LCS also reports that a recruitment campaign was completed during March for caseworking staff, and as a result there are 5 new staff due to start in May 2009.

Recommendation R5 – The Law Society should encourage SRA to aim to investigate and conclude, prepare fully and lodge with the Solicitors Disciplinary Tribunal (SDT), all cases within 12 months. This would be an improvement on the current target of 18 months, which SRA should maintain as a maximum.

- Letter received from the Law Society dated 30 March 2009 stating that the Law Society and SRA share the Commissioner's concern that cases should be investigated, prepared fully and, where appropriate lodged before the SDT promptly. The Law Society state that SRA are constantly seeking to improve the timeliness of their processes without compromising the quality of their investigations and case preparation. It also states it is content with the targets currently operating, namely to lodge 70% of cases with the SDT within 6 months of receipt, and 95% within 12 months.
- During April 2009 SRA reports that it lodged 5 cases with the SDT. Of these, it reports that 2 cases were lodged within 12 months and 3 cases were lodged within 18 months.
- SRA also reports that there are currently 21 purely conduct based Tribunal matters where disciplinary proceedings have yet to be issued. 10 of these matters are less than 12 months old, 10 are between 13 – 18 months old, and for 1 case it has been over 18 months since the original conduct matter was opened.