



Legal Services  
Complaints  
Commissioner

## Past | Present | Future

Legal Services Complaints Commissioner  
Annual Report 2009/2010



# Past | Present | Future

## Legal Services Complaints Commissioner Annual Report 2009/2010

Presented to Parliament pursuant to paragraph 5 (4) of Schedule 8 of the Access to Justice Act 1999.

Ordered by the House of Commons to be printed 24 February 2010

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ISBN: 9780102964271

Printed in the UK by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office

ID P002346849                      02/10

Printed on paper containing 75% recycled fibre content minimum.

# Office of the Legal Services Complaints Commissioner

## Statement of Purpose

The Office of the Legal Services Complaints Commissioner works with the Law Society, on behalf of consumers, to improve the way it handles complaints about solicitors in England and Wales. It is an associate office of the Ministry of Justice. The Legal Services Complaints Commissioner is Zahida Manzoor CBE. She was appointed in 2004. She holds the position as Commissioner concurrently with that of Legal Services Ombudsman for England and Wales.

### Our mission is to:

- regulate the Law Society, to ensure that it handles complaints about its members effectively and efficiently, providing consumers with a fair and prompt quality service; and
- positively influence and support the Law Society, and to work fairly, openly and honestly with it and all our stakeholders.

### Our vision is to:

- secure a Law Society complaints process that provides a fair and prompt quality service to the consumers of legal services; and
- be an organisation that consumers, stakeholders and our staff can have confidence in and be proud of.

### Our strategy includes:

- working in partnership with the Law Society;
- committing to evidence based analysis and feedback;
- operating within the Better Regulation Executive principles;
- ensuring transparency, openness and impartiality;
- building improvements in our own performance;
- fostering open and honest communication; and
- providing value for money.



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# Commissioner's Foreword

This is a momentous time for the delivery and regulation of legal services, and I am pleased to be able to present my final Annual Report<sup>1</sup> at such an exciting time. The reforms of the past five years are now coming to fruition with the full establishment of the Legal Services Board and the Office for Legal Complaints. Expectations for these new bodies and the profession they preside over are high.



With the establishment of the Legal Services Board and the Office for Legal Complaints, my work is coming to an end. As I look ahead to the conclusion of my role and my Commissioner's Office on 31 March 2010, the outlook and optimism for legal services regulation and complaints handling could not be more different from when I was appointed as Legal Services Complaints Commissioner in 2004.

With this in mind, I have taken the opportunity through this Report to reflect on what has been achieved during those years and what, from my experience of regulating the complaints handling of the largest legal professional body in England and Wales, may be useful as the reform of legal regulation steadily progresses.

The story told in this Report is that of a turnaround in performance in complaints handling about solicitors. It is truly a success story. We can look forward with optimism to the Office for Legal Complaints opening its doors with now only distant memories of the problems that existed at the time of my appointment as Commissioner. I would hope that the levels of performance now being achieved by the existing Legal Complaints Service provide both a solid foundation and a baseline from which the new Office for Legal Complaints will continue to build. Any other outcome would negate the

progress achieved over the past six years and could undermine the value of the new Regulatory Framework.

I am pleased to be able to leave this record of how the successful turnaround was achieved, but also to convey that it was not always easy – as it is important that the lessons my Office learned in achieving positive outcomes for consumers and the legal profession are not lost in the transition to the new structures.

The credit for this turnaround in performance must be shared and I am grateful for the opportunity in this Report to thank some of the key individuals and organisations who have contributed to this success. These include the dedicated past and present staff and leaders of the Law Society, the Legal Complaints Service and the Solicitors Regulation Authority and their predecessor bodies.

I have also had tremendous support from a wide variety of stakeholders including our sponsoring government department, the Ministry of Justice and consumer bodies – my thanks go to all who showed such interest in, and enthusiasm for, our task.

Finally I would like to particularly record my thanks for their exceptional skills and dedication to the current and former staff of my Office, and my Advisory and Consumer Board members without whom this success could not have been achieved.

I have high hopes for an even brighter future for legal services and wish all who work in this arena, continued success.

A handwritten signature in black ink that reads "Zahida P. Manzoor". The signature is written in a cursive style with a long horizontal flourish underneath.

**Zahida Manzoor, CBE**

Legal Services Complaints Commissioner

Date: 24th February 2010

<sup>1</sup> Annual Accounts to be laid before Parliament by the Ministry of Justice in June/July 2010



# Executive Summary

## Background

I was formally appointed as Legal Services Complaints Commissioner by the Lord Chancellor in February 2004, with full powers under the Access to Justice Act 1999 in relation to the Law Society of England and Wales. As Commissioner, I examine the Law Society's capability to handle complaints made about its members efficiently and effectively, and review its end-to-end processes.

At this time there was an urgent need to improve the performance of the Law Society, and I therefore set out a strategy to have my Office up-and-running within 6 months, and at the same time engaging meaningfully with the Law Society on the business of requiring its first improvement plan.

Target setting was a statutory power available to me, and was used to focus the Law Society on the critical areas it had to improve on. But targets were a means to an end; the focus for me was always on a holistic service improvement not just those areas where targets were being set. It was clear that by working to achievable targets for performance improvement, the Law Society would require at least a three year programme in order to implement and embed the necessary changes.

However, the requirement to submit an adequate improvement plan for complaints handling each year proved difficult for the Law Society and its complaints-handling arms to achieve. On two occasions, the plan submitted was declared by me to be inadequate for moving the Law Society sufficiently towards being effective and efficient in complaints handling; with the result that a penalty on both occasions was levied against it.

- The Plan for 2006-7 was declared inadequate in May 2006 and a penalty of £220,000 was paid by the Law Society.

- The Plan for 2008-9 submitted by the Legal Complaints Service was declared inadequate and a penalty of £275,000 was imposed on the Law Society in June 2008. However, following a series of discussions with the Law Society, we were able to reach a regulatory settlement, which meant that the penalty was invested in client care measures by the Law Society. These measures were announced in February 2009<sup>2</sup>.

There were also a number of other times where the Legal Complaints Service's performance fell short of what it had committed to. However, I always preferred to give the Law Society every opportunity to raise its performance and invest in complaints handling rather than resort to the use of the penalty.

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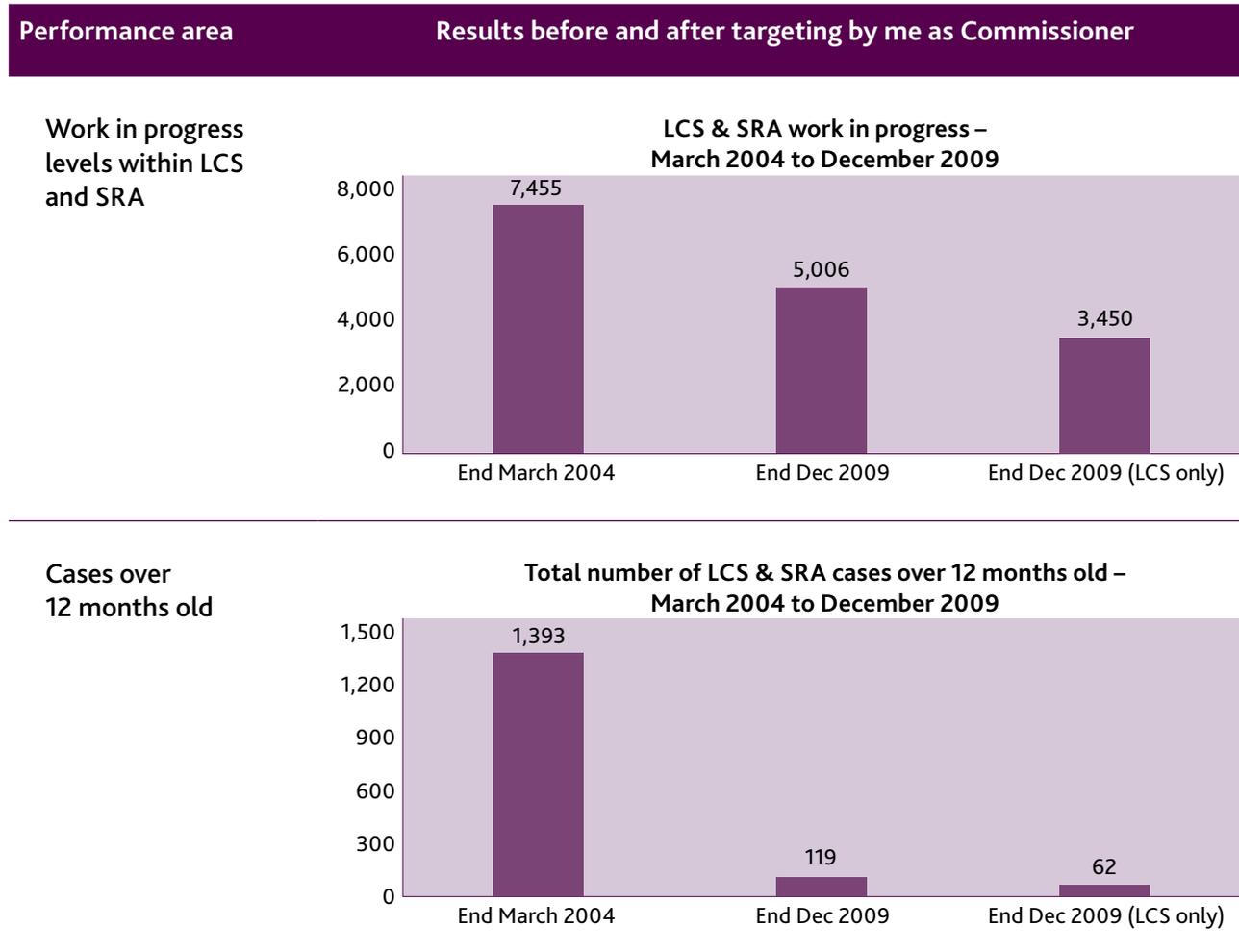
<sup>2</sup> Legal Services Complaints Commissioner joint press release with the Law Society 4 March 2009

## Key achievements

In 2004, the regulatory goal with the Law Society was to move its complaints handling away from crisis and poor performance and towards the delivery of an efficient and effective service for consumers and the legal profession. This regulatory goal has been achieved across all the key areas of complaints handling that has led to:

- improved the speed with which complaints are closed;
- improved quality and consistency;
- improved consumer experience; and
- a reduced backlog of work.

The table below summarises some of the key measurable improvements achieved through effective regulation of the Law Society's complaints handling:







There were also broader achievements two of which I think are important to reflect on, as they demonstrate how far we have come from the days of crisis in 2004:

- **Leaving a strong legacy for the legal profession, including investment in client care.** In March 2009, the Law Society and I jointly announced<sup>3</sup> an agreement for the Law Society to invest a substantial amount (£275,000) in a range of client care measures designed to improve capability and capacity in the legal profession including a consultancy service to help improve firms of solicitors identified as needing help with client care and complaints handling. As part of this initiative two additional places per year for 5 years will be funded on the Law Society Diversity Access Scheme. This is designed to encourage increasing numbers of people from diverse backgrounds to enter the legal profession.
- **Improving the quality and consistency of complaints handling for vulnerable clients.** In January 2008, I published a Special Report<sup>4</sup> into the handling by the Legal Complaints Service and the Solicitors Regulation Authority of Coal Health Compensation complaints. The Legal Complaints Service took steps to address the 13 areas for action detailed in the Special Report.

A further investigation by my Office in October 2008 showed an improvement in handling of these cases in the 5 months after the report was published. As a consequence of my Report, sums ranging from £229 to £5625 have been paid back to individual miners to date by the Law Society where a full refund of any improper deduction made by the solicitor had been due.

## What made the difference?

There were a number of factors which together allowed for the effective regulation of the Law Society and its improvements in performance. They were:

- my Office's independence from the legal profession;
- my powers to investigate and audit complaints;
- applying the Principles of Better Regulation<sup>5</sup> consistently to regulation of the Law Society's complaints-handling functions;
- good governance of my Office through my Advisory and Consumer Board;
- having a skilled and flexible workforce;
- good relationship management with the Law Society and other stakeholders; and
- sticking to the vision of what could be achieved.

## Performance of the Law Society in 2009

From 1 April 2009, the Secretary of State and Lord Chancellor amended my powers, to align them with the government's priorities for the Legal Complaints Service as a consequence of the Legal Services Act 2007. This Act sees the establishment of the Legal Services Board as the oversight regulator of all the legal professional bodies. It was fully operational from 1 January 2010. It also sees the establishment of the Office for Legal Complaints, which will handle complaints about lawyers, and is independent of their legal professional bodies. It expects to start to handle complaints from autumn 2010.

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<sup>3</sup> Legal Services Complaints Commissioner joint press release with the Law Society 4 March 2009

<sup>4</sup> Investigation into the handling of Coal Health Compensation Scheme complaints by the Legal Complaints Service and the Solicitors Regulation Authority – A Special Report from the Legal Services Complaints Commissioner published January 2008

<sup>5</sup> Better Regulation Executive – 5 Principles of good regulation (transparent, accountable, proportionate, consistent and targeted only at cases where action is needed).

The change in my powers recognised the improvements made in complaints handling and enabled me to provide a continuing oversight of the Law Society, to ensure that levels of performance are maintained or improved in the run up to the establishment of the Office for Legal Complaints.

My aim for 2009, therefore, was to continue to influence the performance of the Law Society's complaints-handling arms – the Legal Complaints Service and the Solicitors Regulation Authority – to achieve further improvements in the way they

handle complaints. This should help avoid any slippage in their performance since my regulatory oversight role drew to a conclusion at the end of December 2009, with my Office closing on 31 March 2010.

### Targets for 2009

I set three targets and made five recommendations, to cover the areas which continue to be key priorities, for the period 1 April 2009 to 31 December 2009.

#### Overall Summary of Legal Complaints Service Performance for 2009

Legal Complaints Service Target Areas	Achievement Against Targets
Target 1 – To investigate and conclude at least 87% of cases within 6 months of receipt	MET
Target 2 – To investigate and conclude 100% of cases within 12 months, apart from in exceptional circumstances	MET
Target 3 – To maintain work in progress levels at 3445 by 31 December 2009	MET

### Recommendation R1 – Systems and Processes

The Law Society to ensure it has sufficient and adequate systems and processes in place to monitor and evaluate the Legal Complaints Service performance against the Legal Complaints Service complaints-handling plan.

The Law Society gave its commitment to me at the start of the year stating that it would ensure that it had adequate systems and processes in place to monitor and evaluate on a monthly basis the Legal Complaints Service performance against its own complaints-handling plan.

### Recommendation R2 – Representative Sampling

The Law Society should ensure that the Legal Complaints Service measurement of its quality target is based on a representative sample of cases and not as a sample of file reviews.

The Law Society considered my recommendation but decided to adopt the approach being utilised by the Legal Complaints Service which measures a sample of individual caseworkers work, rather than a representative sample of cases. I do not believe that the sampling method adopted by the Legal Complaints Service is as robust as the recommendation requires.

Following discussions the Legal Complaints Service is now conducting a representative sample audit of case files in 2010, the results of which will be available from it.

### Recommendation R3 – Legal Services Ombudsman Referrals

The Law Society should ensure that the Legal Complaints Service continues to aim for the current Legal Services Ombudsman’s target set by the Commissioner for 2008/09, and that 78% or more of referrals to the Legal Services Ombudsman result in the Legal Complaints Service handling of the case being upheld.

Performance was achieved at 71% against a recommended performance level of 78%.

### Recommendation R4 – Staff Resource Management

The Law Society should ensure that the Legal Complaints Service takes action to reduce its ratio of support staff to operational staff from 43%, to a figure which is more in line with the PA Consulting ‘Designing the Office for Legal Complaints’ Report recommendation of 15% - 25%.

The following was achieved:

	March 2009	December 2009
Management	56.39 (15.5%)	51.89 (16%)
Caseworkers	202.22 (55.7%)	189.99 (58%)
Support	104.42 (28.7%)	83.57 (26%)
<b>TOTAL</b>	<b>363.03</b>	<b>325.45</b>

### The Solicitors Regulation Authority Recommendation

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

The Solicitors Regulation Authority reported that since April 2009 it has lodged 22 cases with Solicitors Disciplinary Tribunal of which 5 (23%) were lodged within 12 months. The remainder were all lodged within 18 months.

## The Work of My Office – Preparing for closure

When I was appointed I knew that if my Office turned around the poor handling of complaints by the Law Society, its success would mean that it could close its doors as its job would be done. That is now possible, and throughout this year I have been proactively planning, and then implementing, the stages for the effective closure of my Office on 31 March 2010.

Despite the uncertainty my staff faced with regard to their futures, they have completed the work of my Office in a professional way. This is a credit to each of them as individuals, and to the dedication they have shown to me and consumers of legal services.

### Recommendations for future regulators

From my experience, I feel there are recommendations I would like to make to help in future regulation. They are:

- I would recommend to government that where it is appropriate, it gives regulators the power to fine (particularly where they need to improve performance significantly and/or the regulated body has at any stage demonstrated recalcitrance) within a suitable framework for its use.
- I would recommend that, in setting up future regulators, government considers providing scope for investment of monies from those regulated, to achieve the statutory goals.
- I would recommend to future regulators, the use of audit and investigation to underpin target setting and performance improvement. I would also recommend to government that in future, regulators are given the ability to investigate and audit as appropriate within their statutory framework.



Past | Present | Future



# 1 History and Background

My powers under the Access to Justice Act 1999 were provided for the regulation of the Law Society of England and Wales. In January 2006 the Law Society formally split into three distinct bodies, each with its own chief executive. The Legal Complaints Service and the Solicitors Regulatory Authority also each have their own board. The Law Society delegated the responsibility for complaints handling to the Legal Complaints Service and the Solicitors Regulatory Authority. However, the statutory responsibility for complaints handling remained with the Law Society.

The Legal Complaints Service from 2004 to 2006 was known as the Consumer Complaints Service. Within this Report any reference to the Legal Complaints Service, includes reference to its predecessor complaints-handling body.

In placing the success story of improving complaints handling in context, it is useful to go back to the picture of growing concerns about the complaints-handling performance of the Law Society of England and Wales emerging during the late 1990's. At this time, consumer groups and Members of Parliament were publicly commenting on the Law Society's poor performance. Complaints were seen as a barometer of public confidence in this branch of the legal profession, and poor handling was causing detriment to the profession and consumers alike.

The Access to Justice Act 1999 was designed to bring wide ranging changes to legal services including the Legal Aid Scheme. However, such were the widespread concerns over the Law Society's worsening complaints-handling performance, that the role of a 'Legal Services Complaints Commissioner' was included in the Act. Debates at the time over this role show the exasperation with the worsening situation. It is evident that some Parliamentarians wanted the role of the Legal Services Complaints Commissioner to be expanded.

The warning to the Law Society to improve its complaint handling was however, clear:

*"We do not propose to appoint a Commissioner, ...unless and until a professional body is clearly failing to make substantial progress in improving its complaints record".*

Keith Vaz MP<sup>6</sup>

In 2001 the Office of Fair Trading published its report 'Competition in Professions', this set out its concerns about potentially restrictive rules in the legal profession stifling competition.

In her 2001/02 Annual Report, the previous Legal Services Ombudsman (Ann Abraham) is critical about legal complaints handling but also alludes to wider concerns with the regulatory aspects of the system:

*"...the present concern with operational failure in complaint handling needs to give way to a more fundamental debate about reforming the entire system of legal services regulation".*

Ann Abraham, Legal Services Ombudsman<sup>7</sup>

In 2003, the Lord Chancellor set targets for the Law Society's complaints handling and issued several warnings to it about its performance – but there was limited response by the Law Society possibly because there was no statutory ability to insist it complied with these targets. The Law Society was given warnings that the Legal Services Complaints Commissioner role within the Access to Justice Act 1999 could be activated.

In July 2003, the Lord Chancellor decided to commission a wide-ranging independent review of the way in which legal services in England and Wales were delivered and regulated. Sir David Clementi was commissioned to undertake this review, which was due to report its finding by December 2004.

<sup>6</sup> House of Commons Oral Question and Answer – 29 June 1999

<sup>7</sup> Office of the Legal Services Ombudsman Annual Report 2001/02 "The Regulatory Maze"

I was appointed as the Legal Services Ombudsman for England and Wales in March 2003. My 2002/03 Annual Report as Ombudsman<sup>8</sup> expressed further concerns about the dual representative and regulatory role of the Law Society and was critical of the worsening complaints performance. I welcomed and engaged fully with the 'Clementi Review' and provided a published response to the consultation<sup>9</sup>.

In November 2003 I published an interim report<sup>10</sup> as Legal Services Ombudsman covering the period April to September 2003 which focused on the Law Society's complaints-handling arm (then called the Office for the Supervision of Solicitors). In this Report I set out in detail the deteriorating performance of the Law Society's complaints handling and also put forward an analysis of key underlying reasons for the poor performance.

Although the 'Clementi Review' had been commissioned and was underway in 2003, the Lord Chancellor decided that immediate action was necessary in order to address the deterioration in complaints handling by the Law Society.

The Lord Chancellor therefore announced in September 2003 his intention to appoint me as Legal Services Complaints Commissioner with powers over the Law Society. My Report as Ombudsman set out some key intentions in relation to this new role:

*"I will place particular emphasis on helping to improve the speed and accuracy with which complaints are resolved, in order to deliver significant reductions in the size of the backlog. I also intend to...explore the options for driving through improvements in the quality of service and the effectiveness of complaints handling provided by solicitors".*

**Zahida Manzoor, CBE Legal Services Ombudsman<sup>11</sup>**

I was formally appointed as Legal Services Complaints Commissioner by the Lord Chancellor in February 2004, with full powers under the Access to Justice Act 1999 in relation to the Law Society of England and Wales.

The roles of the Legal Services Ombudsman and the Commissioner are distinct. As Ombudsman I investigate individual complaints received from consumers of legal services that have first been investigated by the legal professional bodies. As Commissioner I examine the Law Society's capability to handle complaints made about its members efficiently and effectively, and review its end-to-end processes.

In looking back, I believe it is important to learn from events so that mistakes are not repeated in the future. For example, the Law Society had a 5 year period between the Access to Justice Act 1999 (containing the ability to enact the Commissioner role) being passed and the Commissioner role being activated in 2004. However, it did not take sufficient action to avoid a regulator being imposed upon it. A significant increase in the Law Society's level of investment in complaints handling, only came as the Commissioner role was announced. I trust now that the Law Society would respond more positively to the changes in legal regulation as a consequence of the Legal Services Act 2007, and work with the Legal Services Board to achieve improvements for all users of legal services.

<sup>8</sup> "Taking up the Challenge" The Office of the Legal Services Ombudsman Annual Report 2002/03 Published in June 2003

<sup>9</sup> Response to the Consultation Paper on the Review of the Regulatory Framework for Legal Services in England and Wales June 2004

<sup>10</sup> "Breaking the Cycle" Office of the Legal Services Ombudsman Interim Report April – September 2003

<sup>11</sup> "Breaking the Cycle" Office of the Legal Services Ombudsman Interim Report April – September 2003

## 2 Start-up and Establishing the Regulatory Cycle

There was an urgent need to improve the performance of the Law Society. Within this challenging arena, it was essential for me to establish my Office quickly so that it could embark immediately on its regulatory role.

I understood the importance of achieving sufficient buy-in (and at the right level) from my sponsoring government department<sup>12</sup> in order to get the organisation rapidly underway. I am very grateful to have been allowed direct interaction at Lord Chancellor, Permanent Secretary and Director General level in order to get the key decisions and appointments made quickly.

It was important that my Office could begin to deliver improvements to complaints handling immediately. Therefore I set out a strategy to have my Office up-and-running within 6 months and agreed a business plan and a memorandum of understanding with my sponsoring department, to help support this.

By recruiting skilled and experienced staff within the 6 months, I was able to achieve rapid progress on office start-up (including securing premises). At the same time my Office and I were engaging meaningfully with the Law Society on the business of requiring its first improvement plan.

I consider it to have been a significant advantage to the progress made with the Law Society to have done the 'groundwork' thoroughly. From my perspective as Legal Services Ombudsman, I had seen where the problems lay in complaints handling, and was therefore confident in the knowledge of what needed changing in order to bring about improvements that were so badly required.

### Defining the problem

The Law Society had endeavoured to identify its problems in complaints handling on many occasions, resulting in a number of initiatives and projects.

Some of these were poorly scoped, and failed to deliver the proposed improvements because they did not address the core problems. Others that were started failed because there had been a lack of management capacity to see them through to realise sufficient benefits in service.

My observation at this time was that the Law Society's complaints-handling arms needed to develop a greater understanding of their end-to-end complaints processes, which were overly complex for consumers and legal practitioners. This complexity added unnecessary delay to the completion of complaints, particularly evident when a complaint passed between the different stages of its investigation.

I do not think it helped that through this period, the Law Society's complaints-handling function was re-named<sup>13</sup>, re-branded and re-organised numerous times. The changes gave a new 'gloss' but the underlying reasons for poor performance remained, and had not been successfully addressed or solutions implemented. The new organisations simply inherited the old problems.

Some of those underlying problems had been identified by me in my role as Ombudsman, and set out in the 2003 Interim Report<sup>14</sup>. It included:

- a failure by the Law Society to deal effectively with a growing backlog of complaints;
- a substantial number of complaints about the service provided by solicitors within the backlog that were more than a year old (including a number that were 3 or more years old);
- a large number of initiatives implemented by the Law Society, but which were not seen through to deliver benefits in service;
- weaknesses in organisational and project management; and
- a shortage of casework capacity to reduce the backlog and then maintain a reasonable timeliness standard.

<sup>12</sup> At that time, the Lord Chancellor's Department, later the Department for Constitutional Affairs and from May 2008 to present, the Ministry of Justice

<sup>13</sup> Solicitors Complaints Bureau (1986-1996), Office for the Supervision of Solicitors (1996-2004), Consumer Complaints Service (2004-2006), Legal Complaints Service (2006 to present)

<sup>14</sup> "Breaking the Cycle" Office of the Legal Services Ombudsman Interim Report April – September 2003

I also made comment in 2003, on the Law Society's ambitious plans to implement a major IT programme, in an effort to achieve a culture change in complaints handling and customer service. I was concerned that this programme was too complex a solution to the problems faced by the Law Society; and also that it did not have effective knowledge or management control to introduce this successfully.

The implementation of the programme would prove a challenge for any organisation to deliver well, but this was a project in which £30million (around one third of the Law Society's annual income at the time) was at stake.

Unfortunately in my time as Commissioner, my concerns were realised and a further attempt by the Legal Complaints Service to introduce a new case management IT system to improve complaints handling also failed, and was halted in 2007 after a review by the Law Society.

I believe both of these were missed opportunities for the Law Society to use IT to improve the experience of consumers.

## External verification

From my experience in my role as the Legal Services Ombudsman, before I became Commissioner, I recognised that as a regulator it was vital to have an independently verified baseline from which to start. This was important because I felt the Law Society was more likely to be committed to the improvements if I was able to demonstrate that my view on efficient and effective performance was verified by a neutral expert in the field.

I engaged external consultants<sup>15</sup> in May 2004, to provide the independent review of the Law Society's performance and capacity for improvement. My sponsoring government department was helpful in this, with senior officials at the time sitting on panels for the selection of an external organisation with the ability to conduct this work. This was

invaluable in assisting me in ensuring the work represented good value for money and would deliver the required quality and depth of analysis.

I appointed PA Consulting to conduct the baseline audit as well as benchmarking work with comparable organisations<sup>16</sup>. PA Consulting's conclusions verified the analysis I had conducted as Legal Services Ombudsman and enabled me to draw up an initial set of recommendations for the Law Society. As a result I was also able to move quickly into developing a series of performance indicators within a framework for improvement that was set for the Law Society. I was able to fulfil an important part of my statutory remit – requiring a plan for improvement from the Law Society – within 6 months of my Office being established.

*"Any targets which are set will encourage improved performance and support the Law Society in its aim to ensure a high standard of service for the public".*

**Lord Falconer of Thoroton, then Secretary of State for Constitutional Affairs and Lord Chancellor<sup>17</sup>**

Target setting was a statutory power available to me, and was used to focus the Law Society on the critical areas it had to improve on. But targets were a means to an end; the focus for me was always on a holistic service improvement not just those areas where targets were being set. A view reflected by other successful businesses:

*"Most people in this organisation have gone from thinking [targets] are the world's worst invention to thinking they have some benefit. If people are trying to manage targets they...don't achieve anything. If you work on the basis of providing the best service you can for patients, the targets should follow as a consequence".*

**Maggie Boyle, Chief Executive of Leeds Teaching Hospitals Trust<sup>18</sup>**

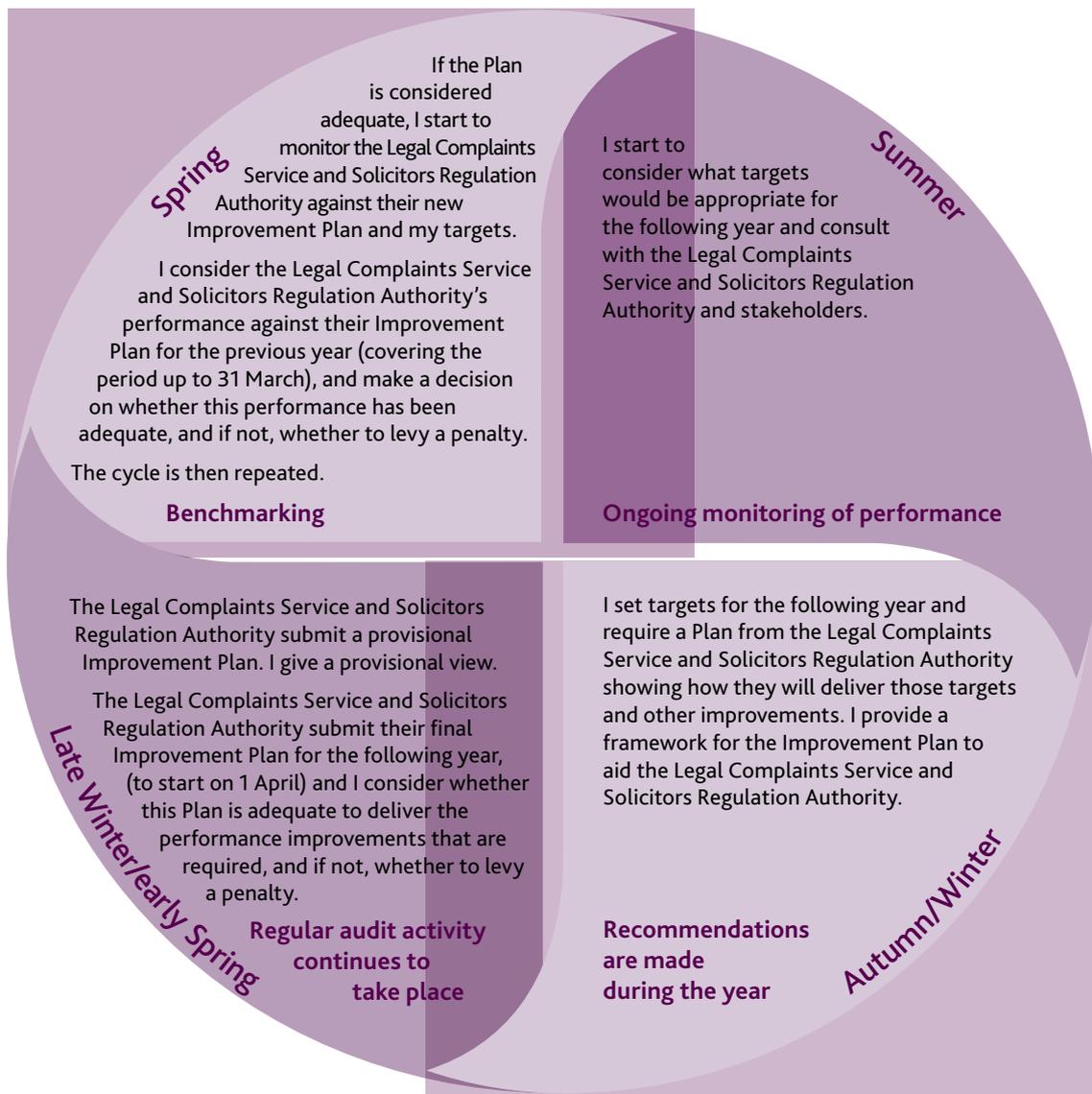
<sup>15</sup> PA Consulting Group

<sup>16</sup> Included the Financial Ombudsman Service and the Institute of Chartered Accountants of England & Wales

<sup>17</sup> Press release September 2003

<sup>18</sup> "How Jimmy's made the journey from workhouse to 21st century hospital" The Guardian 19 June 2008

## An Annual Planning Cycle



It was clear that by working to achievable targets for performance improvement, the Law Society would require at least a three year programme in order to implement and embed the necessary changes. I articulated this three year vision to the Law Society within the planning framework established. As a transparent regulator, I wanted to identify for the Law Society the improvement stages required, to achieve the destination of efficient and effective complaint handling.

However, I recognised that the Law Society was going through many internal changes, including strengthening its management capacity in complaints handling. I translated the three year vision into requirements for annual improvement plans. This was designed to offer flexibility to the Law Society as it created the Legal Complaints Service and the Solicitors Regulation Authority to handle its complaints.

The improvement cycle involved setting out my requirements for a one year improvement plan from the Law Society, implementation of which was monitored and evaluated by my Office. This led to two key decision points in each annual cycle to determine:

- Was the Plan submitted by the Law Society adequate to secure effective and efficient complaints handling in the coming year?
- Did the Law Society handle complaints in accordance with its Plan in the previous year?

Both decisions could potentially carry consequences for the Law Society through my statutory power to levy a penalty of up to £1million for an inadequate plan or poor complaints performance against an agreed plan or both.

## Delivering an adequate plan

The requirement to submit an adequate plan for complaints handling each year proved difficult for the Law Society and its complaints-handling arms to achieve. On two occasions, the plan submitted was declared by me to be inadequate for moving the Law Society sufficiently towards being effective and efficient in complaints handling; with the result that a penalty on both occasions was levied against it.

On each occasion, my Office and I had worked closely with the Law Society explaining my vision for the year ahead; explaining why targets were being set and the levels required; providing evidence for why those levels were achievable; and discussing and negotiating the commitment to improvement that needed to be evidenced by its complaints-handling arms in the plan submitted.

On the two occasions the penalty was imposed because the Law Society's Legal Complaints Service failed to commit to working towards target levels that were not only achievable but necessary to maintain momentum in its journey towards improvement.

The Plan for 2006-7 was declared inadequate in May 2006 and a penalty of £250,000 was imposed on the Law Society. The plan was declared inadequate and the penalty applied because it did not include all the targets I had set nor did it aim to deliver sufficient improvements in complaints handling. The Law Society submitted a revised plan in July 2006 that I was able to assess as being adequate and to reflect this, and the co-operation shown by the Legal Complaints Service and the Solicitors Regulation Authority the penalty was adjusted to a lower amount – £220,000.

The Plan for 2008-9 submitted by the Legal Complaints Service was declared inadequate and a penalty of £275,000 was imposed on the Law Society in June 2008. However, following a series of discussions with the Law Society, we were able to reach a regulatory settlement, which meant that the penalty was invested in client care measures by the Law Society. These measures were announced in February 2009<sup>19</sup>.

There were a number of other times where the Legal Complaints Service's performance fell short of what it had committed to. However, I always preferred to give the Law Society every opportunity to raise its performance and invest in complaints handling rather than resort to the use of the penalty. All my decisions were given full consideration, taking into account the areas where performance by the Law Society's complaints-handling arms had improved, even if not to the expected level<sup>20</sup>.

<sup>19</sup> Legal Services Complaints Commissioner joint press release with the Law Society 4 March 2009

<sup>20</sup> See the decision letters of the Commissioner at [www.olscc.gov.uk](http://www.olscc.gov.uk)

# 3 The Road to Performance Improvement

*“Which? welcomes the Commissioner’s findings and is pleased that the legal profession has been set a clear challenge to mend their old ways and act in a way appropriate for the 21st century”.*

**(Consumer Organisation) Which?<sup>21</sup>**

My analysis of the Law Society’s complaints-handling performance through my knowledge as Ombudsman, which was verified by the external review, enabled me to identify a baseline from which to set targets and show a clear path to improvement year on year over a 3 year period.

The strategic areas that required the most attention to address were:

- backlogs;
- delays in closing complaints (detrimental to both the consumer and the profession);
- the consumer experience; and
- quality and consistency of complaint handling.

My Office developed a range of Key Performance Indicators for the Law Society. This management information was important because when analysed it gave clues to the underlying issues which were dragging down the performance of its complaints-handling arm.

**Key Performance Indicators examples<sup>22</sup> and what they revealed:**

- **Example 1: Live case age profile and cases closed by age**

Analysis by my Office of the profile of the live caseload showed problems that could be masked by simply seeking to reduce an overall backlog of cases. I identified that despite reducing its backlog of cases at the end of March 2005 to 6492 cases (from 7455 the previous year), the Legal Complaints Service

had actually carried over a higher number and percentage of cases over 18 months old<sup>23</sup> that had not been completed, than in the previous year. This suggested that the Legal Complaints Service had focused its efforts on resolving new cases received; allowing long running cases in the system to remain a serious and growing problem.

I put in place a number of measures to tackle these older cases including specific targets for the percentage of cases to be closed at 9, 12 and 18 months. This aimed to stem the number of cases falling into the oldest categories. I also made targeted recommendations, including creating a mechanism whereby all cases over 18 months would be scrutinised by a lay panel within the Law Society in order to focus attention on this issue to bring cases to conclusion more quickly.

- **Example 2 Number and average size of ex-gratia payments by the Law Society**

I noted rising costs in relation to ‘ex-gratia’ payments made to consumers by the Law Society. These were payments to consumers following internal failures in the service provided by its Legal Complaints Service. Payments made by the Law Society were clearly an unnecessary burden on the solicitors’ profession which was already funding a complaints-handling organisation that cost in excess of £30 million<sup>24</sup> annually.

The cost to the solicitors’ profession of ex-gratia payments in 2005/06 was £233,646.<sup>25</sup> Some 450 individual ex-gratia payments had previously been made to consumers in one month alone<sup>26</sup>. Clearly this was unsustainable and indicative of an organisation that needed to have a firmer grip on implementing its own procedures and reducing delays so that such payments would decrease.

<sup>21</sup> Press release May 2005

<sup>22</sup> See Legal Services Commissioner Annual Report 2004-2005 at [www.olsc.gov.uk](http://www.olsc.gov.uk) for a full list of the Key Performance Indicators put in place by the Commissioner in the first year of regulating the Law Society’s complaints-handling functions

<sup>23</sup> At the end of March 2005 there were 563 cases over 18 months old – 9% of its live caseload

<sup>24</sup> Actual expenditure for April 2005 to March 2006 was £33.95 million

<sup>25</sup> Legal Services Complaints Commissioner Annual Report 2005-2006

<sup>26</sup> August 2003

## A route map for improvement

The initial framework for improving the Law Society's complaints handling and to address the problems involved a three year period of progressive targeting.

Recommendations included those set out below:

Tackling the speed of complaint handling has led to a major improvement for consumers and solicitors who no longer have to experience anxiety while waiting an unreasonable length of time to have their complaint resolved.

Recommendations in 2004	Progress made through Commissioner's Targets by 2009
<p>After 3 years, the Law Society should be set a target for 80% of cases to be concluded within 6 months.</p>	<p>Set a target for 2009 that 87% of cases are concluded within 6 months. The target could be set higher (at 87%) because of the change to a more straightforward mix of service complaints that the Legal Complaints Service actually received between 2004 and 2009.</p>
<p>After 3 years, the Law Society should be set a target for 99% of cases to be concluded within 12 months.</p>	<p>For 2008/09 the Legal Complaints Service was set a target that no cases should exceed 12 months (unless in exceptional circumstances). This target was achieved that year.</p>
<p>To improve the speed with which complaints were handled by the Law Society, by it analysing the causes for delay.</p>	<p>Causes of delay highlighted included failure to allocate promptly and poor solicitor response times. 2009 target for work in progress set at 3445 cases by 31 December 2009.</p>

## Quality and Consistency

Other underlying issues were also uncovered in the quality, consistency and planning within the Law Society’s complaints-handling function. The majority of complaints were not inherently complex; therefore the difficulty in dealing with them effectively and efficiently lay in flaws in the Legal Complaints Service’s processes leading to avoidable delays and a lack of consistency in handling.

A number of recommendations were made by me to the Law Society informed by the external review and my Investigations team. They were designed to encourage the Law Society to improve its policies and processes for handling complaints – including better handling within solicitors’ firms.

Recommendations included:

Recommendations in 2004	Progress made by 2009
<p>An element of independent scrutiny should be introduced into dealing with cases exceeding 18 months (as a starting point) then 15 and 12 months over time.</p>	<p>Law Society referred older complaints to its Compliance Board for scrutiny. Compliance Board found and was critical of unnecessary delay. By 2009 complaints (save for exceptional circumstances) are all resolved within 12 months.</p>
<p>The Law Society’s Practice Standards Unit (PSU) to visit 1300 firms in 2005.</p>	<p>The Solicitors Regulation Authority reported a statistically significant effect on reduction in complaints from firms who had a PSU visit. (This approach has been built on by the Law Society’s Client Care measures introduced in agreement with myself in 2009.)</p>
<p>A key indicator with Quality was the Legal Services Ombudsman satisfaction Index – initially set as a 75% target by the Department for Constitutional Affairs in 2003.</p>	<p>Performance against this target has shown year on year improvement but not to targeted levels.</p>

I expected that as an organisation wishing to improve its performance, the Law Society’s complaints-handling arms would take every opportunity to learn from feedback. In particular, the detailed reports provided by the Legal Services

Ombudsman can indicate very specific areas for improvement. It has been an opportunity missed by the Legal Complaints Service that it did not routinely use the information contained in those reports to improve its case working standards and practices.

## Improving the consumer experience

I said in 2005<sup>27</sup> that I did not believe that the consumer was the main focus of the Law Society, and that it had been unambitious. Too often the Law Society sought to change performance measures or how things were counted, rather than address the real issues. So I was mindful of the need to actually improve outcomes for all who used the service, and particularly for the consumer. However, it was clear that improved outcomes could only come from targeting 'the basics' first. Therefore, early targets for the Law Society's complaints-handling arms were aimed at reducing the age profile of cases (by setting targets for cases closed within 3 months, 6 months, 9 months and 18 months) whilst also trying to improve customer satisfaction and ensure that improved speed was not achieved at the expense of quality of service.

As time progressed I pushed the Legal Complaints Service and the Solicitors Regulation Authority hard, to evidence why they could not improve at the pace I required. Particularly as my targets were based on statistical models that had proven to be accurate in forecasting the actual performance both of them would achieve. And also because the Law Society was making the necessary resources and budgets available to the Legal Complaints Service and the Solicitors Regulation Authority to meet the targets at the levels I set.

Part of the overall problem was that the Law Society's complaints-handling arms struggled to adhere consistently to their own service standards. I required that these standards were made public to encourage the Law Society to meet them – previously they had not been published and were described by one of the Legal Complaints Service managers as "aspirational". They were finally published in 2006.

Detailed analysis and audits by my Investigations Team also revealed basic problems such as

consumers being asked to wait too long for their complaint to be acknowledged – in 2004 it was discovered that in only 55% of cases was the Legal Complaints Service's five working days acknowledgement standard met. Additionally, audits by my Office found that over two months after complaining, many consumers had not received a substantive response to their complaint, and some consumers went months without an update on how their complaint was progressing.

Through statistically evidenced based targets, considered recommendations, and requiring firm plans for improvement from the Law Society, great strides were eventually made in both the speed of complaints handling and improved outcomes for the consumer, producing a better quality of service.

## Good communications and effective relationship management

At the outset I set out to achieve open and effective communication with the Law Society, the Legal Complaints Service and the Solicitors Regulation Authority that allowed each party an opportunity to express their point of view. To do this I established strategic quarterly meetings with the Chairs and Chief Executives of the three constituent bodies of the Law Society, and monthly management meetings to cover the performance achieved. Both became an essential component in the improvement in complaints handling.

Although these were not always harmonious occasions, they were conducted professionally on both sides, and were a forum to air differences and to find acceptable ways forward. By having this open communication it steadily, over time, facilitated improvements in the relationship with the Law Society. As a consequence, many of the subsequent policies the Law Society adopted for complaints handling were as a result of the negotiations conducted in these important meetings.

<sup>27</sup> Legal Services Complaints Commissioner, Annual Report 2004-2005

# 4 Key Achievements

*“Zahida [Manzoor] has achieved significant improvements to the Law Society’s complaints handling in the last few years, both in speed of performance and quality of service. The principal beneficiary of these improvements is the consumer”.*

**Secretary of State for Justice and Lord Chancellor  
Jack Straw<sup>28</sup>**

In 2004, the regulatory goal with the Law Society was to move its complaints handling away from crisis and poor performance and towards the delivery of an efficient and effective service for consumers and the legal profession. This regulatory goal has been achieved across all the key areas of complaints

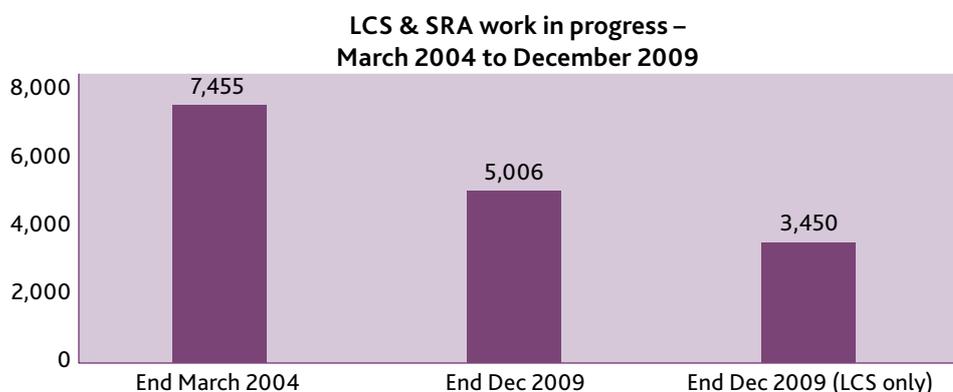
handling that has led to:

- improved the speed with which complaints are closed;
- improved quality and consistency;
- improved consumer experience; and
- a reduced backlog of work.

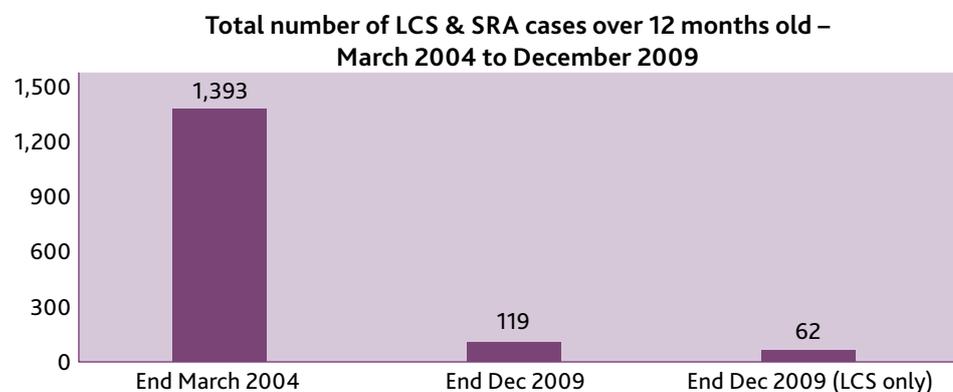
In setting targets for improvement to the way complaints are handled by the Law Society’s complaints-handling arms, it has been beneficial to have consistent measures to track the changes as they occurred. The table below summarises some of the key measurable improvements achieved through effective regulation of the Law Society’s complaints handling:

## Performance area Results before and after targeting by me as Commissioner

**Work in progress levels within LCS and SRA**



**Cases over 12 months old**



<sup>28</sup> Ministry of Justice Press Release 4 February 2009





There were also broader achievements two of which I think are important to reflect on, as they demonstrate how far we have come from the days of crisis in 2004:

- **Leaving a strong legacy for the legal profession, including investment in client care.** In March 2009, the Law Society and I jointly announced<sup>29</sup> an agreement for the Law Society to invest a substantial amount (£275,000) in a range of client care measures designed to improve capability and capacity in the legal profession. As part of this initiative two additional places per year for 5 years will be funded on the Law Society Diversity Access Scheme. This is designed to encourage increasing numbers of people from diverse backgrounds to enter the legal profession to ensure that future provision remains relevant and sensitive to consumer needs.
- **Improving the quality and consistency of complaints handling for vulnerable clients.** In January 2008, I published a Special Report<sup>30</sup> into the handling by the Legal Complaints Service and the Solicitors Regulation Authority of Coal Health Compensation complaints. The Legal Complaints Service took steps to address the 13 areas for action detailed in the Special Report, including the requirement that all complaints were handled consistently by it regardless of which of its caseworkers dealt with them.

A further investigation by my Office in October 2008 showed an improvement in the handling of these cases in the 5 months after the Report was published. As a consequence of my Report, sums ranging from £229 to £5625 have been paid back to individual miners to date by the Law Society where a full refund of any improper deduction made by the solicitor had been due.

In regulating the Law Society's complaints handling I felt it important that my Office was a lean and efficient regulator. Annual expenditure for my Office peaked at £1.66 million – regulating the Law Society's complaints-handling functions which at a comparable time had a budget of £36.122 million<sup>31</sup> My staff numbers have not exceeded 20 since my Office was established, and value has been added by flexible deployment of skilled and dedicated staff.

Through the success of improving complaints and the reforms of legal services brought about by the Legal Services Act 2007, my Office is due to close on 31 March 2010. I am pleased that this brings to a successful conclusion the work of my Office, and that it has enabled complaints about the service provided by lawyers to move to a system where their handling will be independent of the professional bodies. This will give further confidence to consumers who have a need to complain about the service they have received – our job is now done.

<sup>29</sup> Legal Services Complaints Commissioner joint press release with the Law Society 4 March 2009

<sup>30</sup> Investigation into the handling of Coal Health Compensation Scheme complaints by the Legal Complaints Service and the Solicitors Regulation Authority – A Special Report from the Legal Services Complaints Commissioner published January 2008

<sup>31</sup> Legal Services Complaints Commissioner Annual Reports 2006-2007 and 2007-2008

# 5 What Made the Difference?

## Independence and impartiality

My Office's independence from the legal profession has enabled an unwavering focus to be kept on achieving the goal of more effective and efficient complaints handling within the Law Society. Similarly by being at arms length from its sponsoring department (the Ministry of Justice), I have been able to act as a 'critical friend' on the legal reforms, supporting the overall direction of travel, but also putting forward constructive suggestions, which led to them being included in the Legal Services Act 2007. One of which is the provision of enforcement powers for the Office for Legal Complaints on behalf of consumers, if after the Ombudsman's decision the solicitor refuses to abide by the findings.

I also highlighted the potential benefit of an independent review mechanism for the Office for Legal Complaints that would enable consumers to challenge its decisions without the need to revert to a judicial review. If implemented by the Office for Legal Complaints, this would help reduce the cost and distress for consumers and provide a further degree of confidence in the new scheme.

## Investigation, the ability to audit and establish an evidence base

My powers to investigate and audit complaints have been a key tool in successful regulation of the Law Society's complaints-handling functions. The ability to audit live and closed case files has given my Office a strong evidence base on which to set targets and make recommendations for improvement.

## Principles of Better Regulation

The Principles of Better Regulation<sup>32</sup> have been consistently applied to regulation of the Law Society's complaints-handling functions. Targets have

been set only where needed and where there has been a clear evidence base for the level at which they should be set. My Office has also looked for opportunities to add value by sharing information and building skills within the Law Society, for example by providing advice and expertise on audit and sampling methodologies to build quality assurance capability within the Legal Complaints Service and the Solicitors Regulation Authority.

## Good Governance – an independent advisory and consumer board

My Office's governance and decision-making has been enhanced by access to an expert and diverse Advisory and Consumer Board. Although this was not a statutory requirement, it was considered essential by me to ensure my views were independently tested. The Board act as an important advisor to me, ensuring rigorous challenge and scrutiny of my decisions. The members are from a diverse range of backgrounds bringing individual perspectives from business, social entrepreneurship, legal firms, the regulatory environment and consumer organisations. Board members have served unremunerated, and have been invaluable in advising on my key decisions and the work of my Office since its establishment in 2004.

When I approached a number of City law firms to discuss setting up an Advisory Board, without exception, all were prepared to contribute the valuable time of partners to this work. It was clear from my discussions with these firms that they felt it was essential that complaints about solicitors needed to be improved as it was affecting the reputation of the profession as a whole.

<sup>32</sup> Better Regulation Executive – 5 Principles of good regulation (transparent, accountable, proportionate, consistent and targeted only at cases where action is needed)

## Openness and transparency of decision-making

Throughout its time my Office has ensured a strong focus on involving stakeholders in the work of my Office and ensuring that a wide range of input has been considered and taken into account in targeting improvements within the Law Society. Engagement with my various stakeholders has taken place at different levels from individuals to interested groups allowing for constructive consultation on target areas and their levels.

I set out to be fully accountable and transparent in relation to all decisions taken under my statutory powers. The reasoning behind all decisions has been published on my Office's website<sup>33</sup>. All decisions have been fully justified and there have been no successful legal challenges by the Law Society to them.

## Skilled and flexible staff

I placed great emphasis on recruiting, developing and retaining a small but highly skilled team who have contributed a range of expertise to assist my role as regulator. My Office has used resources flexibly, and has brought in support where needed (e.g. specialist modelling and operational research capability) whilst overall keeping the Office a lean and efficient regulator. In the early days when more staff could and should have been utilised, my Office instead dealt with this increase in workload from the Law Society, by demonstrating a determination to see the phase through, and to manage the weight of issues that were emerging.

## Relationship Management

The Law Society may not have felt the challenge to improve 'easy', but it was important to ensure the views of the Law Society were balanced with

the views of other stakeholders including consumer groups, who pushed for even quicker progress in the improvement of complaints handling. Ensuring good relationship management so that the Law Society knew what was expected was key to improving standards for the consumers and profession.

## Vision

What made the difference in achieving the turnaround in performance was how the range of tools available to my Office was used to overcome obstacles and resistance by the Legal Complaints Service to aim higher. The step changes in performance had to be achieved by constant negotiation and persistence.

I believed it was vital to articulate consistently to the Law Society a compelling vision of the turnaround that it was possible for it to achieve (starting with the initial 3 year target framework). Despite the Law Society's complaints-handling arms at times wishing to put limits on their own rate of progression, I remained focused on the ultimate outcome of improvement for the profession and consumer and was able to steer them towards achieving this by a process of moving them forward in incremental steps.

By refusing to compromise on the overall vision of achievement, I was able to overcome difficulties and objections that were thrown in the way of progress. Examples of the Client Care Programme agreed with the Law Society and the improvements to Coal Health Compensation complaint handling demonstrate that it is possible, even for a regulator with a narrow range of powers, to innovate and achieve positive outcomes for the consumer and legal profession.

<sup>33</sup> [www.olscc.gov.uk](http://www.olscc.gov.uk)



Past | Present | Future



# 6 Targets and the Law Society's Performance for 2009

## Objectives for 2009

From 1 April 2009, the Secretary of State and Lord Chancellor amended my powers, to align them with the government's priorities for the Legal Complaints Service as a consequence of the Legal Services Act 2007. This Act sees the establishment of the Legal Services Board as the oversight regulator of all the legal professional bodies. The chair and staff of the Legal Services Board were appointed from 1 May 2008, and it was fully operational from 1 January 2010.

It also sees the establishment of the Office for Legal Complaints, which will handle complaints about lawyers, and is independent of their legal professional bodies. The chair and staff of the Office for Legal Complaints were appointed from 28 October 2008, and it expects to start to handle complaints from autumn 2010.

The change in my powers recognised the improvements made in complaints handling and enabled me to provide a continuing oversight of the Law Society, to ensure that levels of performance are maintained or improved in the run up to the establishment of the Office for Legal Complaints.

To recognise the Legal Complaints Service was entering a period of transition the targets I set it for 2009 were to maintain and where appropriate improve its performance. So it is pleasing to note that each of the three targets I set the Legal Complaints Service has been met.

From 1 January 2010 I would advocate that the Legal Services Board, as the oversight regulator, keeps under review the Legal Complaints Service's performance to help ensure that the present standards are maintained and where possible improved before the Office for Legal Complaints opens its doors. This will become particularly crucial in any period of parallel complaints handling between the Legal Complaints Service and the Office for Legal complaints as the former comes to a close and the latter begins to take complaints.

My aim for 2009, therefore, was to continue to influence the performance of the Law Society's complaints-handling arms – the Legal Complaints Service and the Solicitors Regulation Authority – to achieve further improvements in the way they handle complaints. This should help avoid any slippage in their performance since my regulatory oversight role drew to a conclusion at the end of December 2009, with my Office closing on 31 March 2010.

I recognised that implementing transitional change can be more challenging than completing 'business as usual' activities. In acknowledging this, and in order to ensure there was no deterioration in standards for consumers, I set, for 2009, a number of key targets and made recommendations to the Law Society to at least maintain performance that has been achieved by the Legal Complaints Service and the Solicitors Regulation Authority.

## Targets for 2009

I set three targets and made five recommendations, to cover the areas which continue to be key priorities, for the period 1 April 2009 to 31 December 2009.

The targets set and recommendations made by me were focused on ensuring that there was no unnecessary build up of work in progress at the Legal Complaints Service in anticipation of when the Office for Legal Complaints opens its doors in 2010. I am of the view that significant improvements have been made by the Legal Complaints Service and aimed to ensure these improvements are not lost during transition to the Office for Legal Complaints. I therefore set reasonable, realistic and achievable targets to assist the Legal Complaints Service in delivering the complaints handling service consumers and solicitors would expect during a period of transition.

## The Law Society’s Performance for 2009

### Timeliness Target T1 – 6 Month Closures

The Legal Complaints Service to investigate and conclude at least 87% of cases within 6 months of receipt.

The time it takes to handle a complaint has always been an important factor for both the consumer and the solicitor. I have been pleased with the level of improvement made in this area by the Legal Complaints Service and the Solicitors Regulation Authority since my appointment.

To ensure this momentum is maintained I set a new timeliness target for the period 1 April to 31 December 2009 which requires Legal Complaints

Service to investigate and conclude at least 87% of cases within 6 months of receipt. This recognises that it only handles complaints about the service of solicitors to their clients and that any conduct element, which might make the complaint more complex, is handled by the Solicitors Regulation Authority.

The Legal Complaints Service reported that between 1 April and 31 December 2009 it closed 86% of the 11,173 cases it received within 6 months of receipt. I therefore consider that timeliness target T1 has been met by the Legal Complaints Service.

LCS closures within 6 months of receipt – April to December 2009



## Timeliness Target T2 – 12 Month Closures

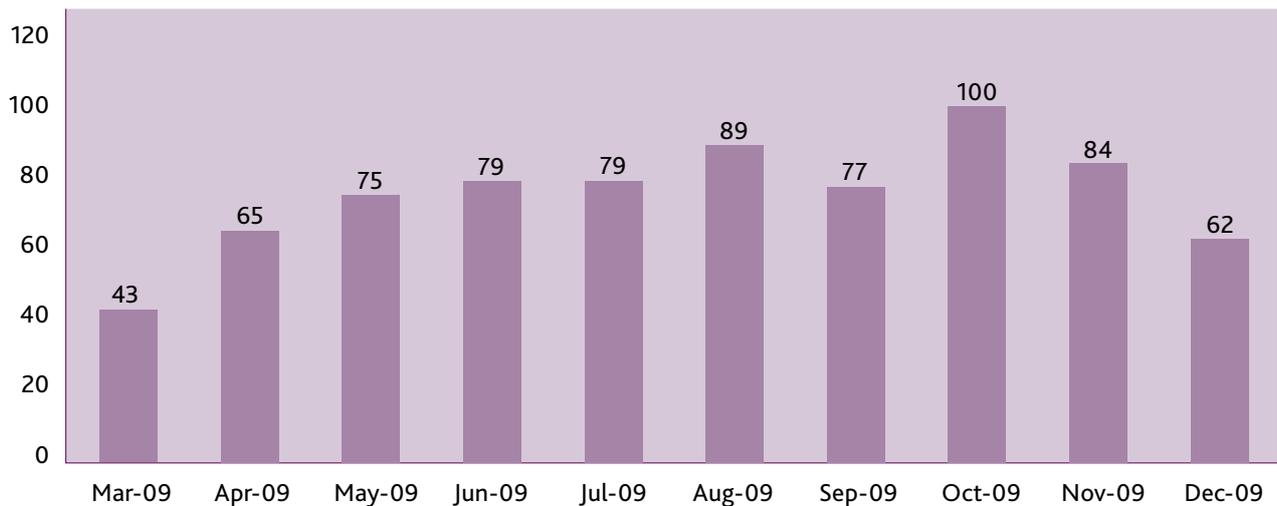
The Legal Complaints Service to investigate and conclude 100% of cases within 12 months, apart from in exceptional circumstances.

The Legal Complaints Service reported that at the end of December 2009 there was a slight rise from 1 April 2009 to 62 cases open with the Legal Complaints Service for a period over 12 months. However, 37 of these cases formed part of the

Legal Complaints Service insurer’s initiative which I had already agreed to disregard from the target because they were outside the Legal Complaints Service’s direct control, and 13 of these were Coal Health Compensation cases. The remaining 12 cases were reported by the Legal Complaints Service as complex service matters.

Therefore taking all factors into consideration, I regard the complaints that remained open for a period in excess of 12 months to be exceptional and consider timeliness target T2 to have been met.

Number of LCS cases open over 12 months old – April to December 2009



### Timeliness Target T3 – Work in Progress Levels

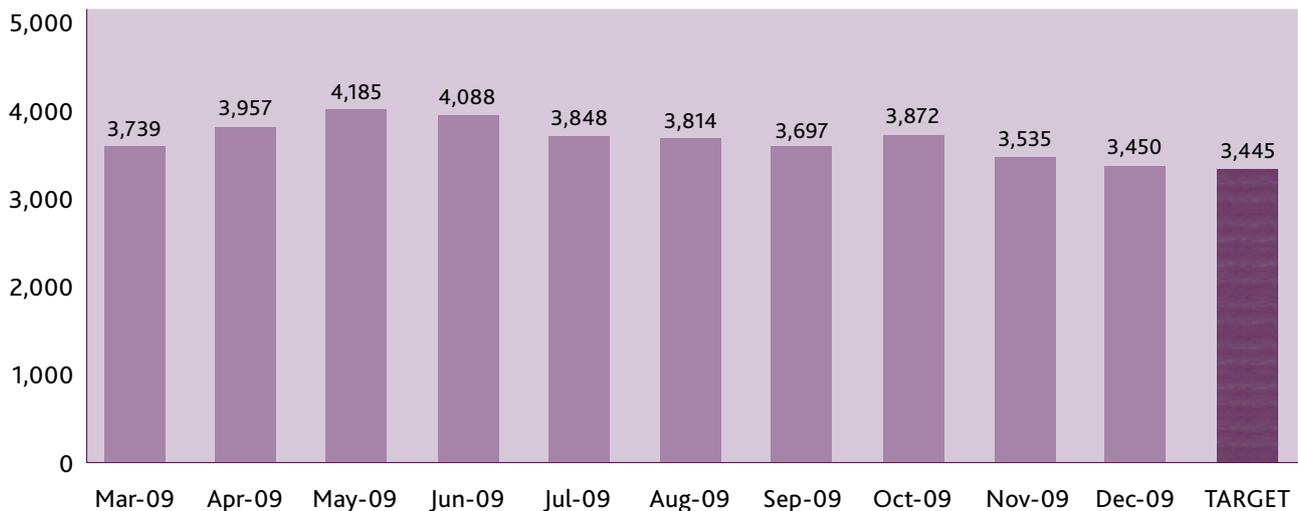
The Legal Complaints Service to maintain work in progress levels at 3,445 by 31 December 2009.

I set this new target because I considered it important that the work in progress level at the Legal Complaints Service was kept to a minimum to facilitate a smoother transition of work between it

and the new complaints-handling body, the Office for Legal Complaints.

The Legal Complaints Service reported that there were 3,739 cases open within its complaints handling system at the end of March 2009. By the end of December 2009, the Legal Complaints Service reported that there were 3,450 cases open within its complaints handling system. I therefore regard timeliness target T3 to have been met.

LCS work in progress levels – April 2009 to December 2009



## Recommendation R1 – Systems and Processes

The Law Society to ensure it has sufficient and adequate systems and processes in place to monitor and evaluate the Legal Complaints Service performance against the Legal Complaints Service complaints-handling plan.

The Law Society gave its commitment to me at the start of the year stating that it would ensure that

it had adequate systems and processes in place to monitor and evaluate on a monthly basis the Legal Complaints Service performance against its own complaints-handling plan. The Law Society assured me that it was determined to ensure that the timeliness and quality of complaints handling was maintained at as high a level as is reasonably achievable during the period leading up to when the Office for Legal Complaints takes complaints.

## Recommendation R2 – Representative Sampling

The Law Society should ensure that the Legal Complaints Service measurement of its quality target is based on a representative sample of cases and not as a sample of file reviews.

When choosing the number of cases for my Office to audit, I have always ensured that the sample selected is representative of the whole population of cases to ensure the cases in the sample are an accurate reflection of the complaints under examination. This method of sampling was recommended to the Law Society by me for use by the Legal Complaints Service in the measurement of its quality target.

The Law Society considered my recommendation but decided to adopt the approach being utilised by the Legal Complaints Service which measures a sample of individual caseworkers work, rather than a representative sample of cases. I do not believe that the sampling method adopted by the Legal Complaints Service is as robust as the recommendation requires.

Following discussions the Legal Complaints Service is now conducting a representative sample audit of case files in 2010, the results of which will be available from it.

### Recommendation R3 – Legal Services Ombudsman Referrals

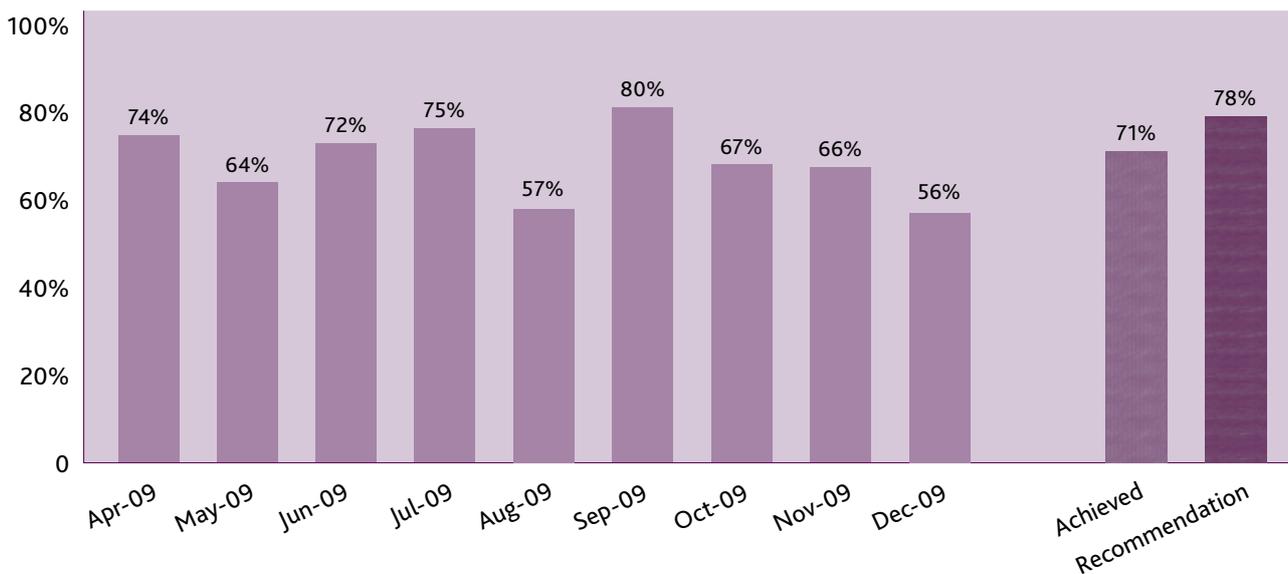
The Law Society should ensure that the Legal Complaints Service continues to aim for the current Legal Services Ombudsman’s target set by the Commissioner for 2008/09, and that 78% or more of referrals to the Legal Services Ombudsman result in the Legal Complaints Service handling of the case being upheld.

Consumers who are dissatisfied with the way that the Legal Complaints Service has dealt with their

complaint can refer the matter to the Legal Services Ombudsman who may conduct an independent investigation into the handling of their case. The measure of the Legal Services Ombudsman’s satisfaction with the way the Legal Complaints Service has investigated the complaint acts as an indicator of the quality of the Legal Complaints Service’s decision making, customer service and administrative performance.

Performance was achieved at 71% against a recommended performance level of 78%.

LCS performance against recommendation R3 – LSO satisfaction index



### Recommendation R4 – Staff Resource Management

The Law Society should ensure that the Legal Complaints Service takes action to reduce its ratio of support staff to operational staff from 43%, to a figure which is more in line with the PA Consulting 'Designing the Office for Legal Complaints' Report recommendation of 15% - 25%.

The Law Society has assured me that it will continue to work with the Legal Complaints Service to seek economies wherever they can be achieved without damaging the service provided on individual complaints. At the end of March 2009 there were 363.03 FTEs in post within the Legal Complaints Service. At the end of December 2009, there are 325.45 FTEs in post.

	Management	Caseworkers	Support	TOTAL
March 2009	56.39 (15.5%)	202.22 (55.7%)	104.42 (28.7%)	363.03
December 2009	51.89 (16%)	189.99 (58%)	83.57 (26%)	325.45

## The Solicitors Regulation Authority Recommendation

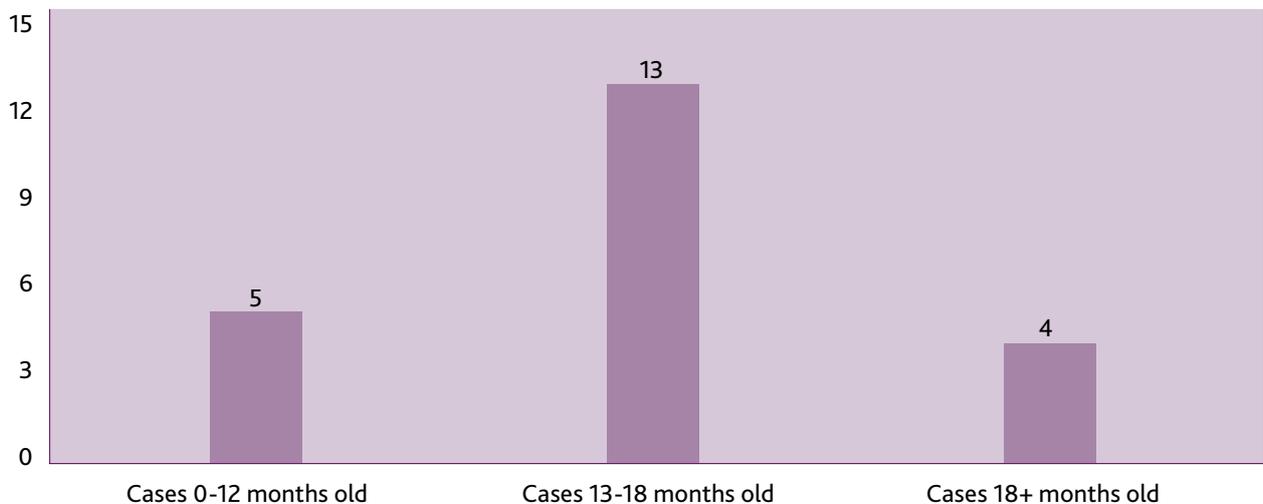
The Law Society should encourage the Solicitors Regulation Authority to aim to investigate and conclude, prepare fully and lodge with the Solicitors Disciplinary Tribunal, all cases within 12 months. This would be an improvement on the current target of 18 months, which the Solicitors Regulation Authority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

The Solicitors Regulation Authority reported that since April 2009 it has lodged 22 cases with

Solicitors Disciplinary Tribunal of which 5 were lodged within 12 months. The remainder were all lodged within 18 months.

The Law Society has assured me that the Law Society and the Solicitors Regulation Authority share my concern that cases should be investigated, prepared fully and, where appropriate, lodged before the Solicitors Disciplinary Tribunal promptly. The Law Society has informed me that the Solicitors Regulation Authority is constantly seeking to improve the timeliness of its processes without compromising the quality of its investigations and case preparation.

Cases lodged with the Solicitor Disciplinary Tribunal – April 2009 to December 2009





# 7 The Client Care Initiative

## Background

In June 2008 I announced that I would be imposing a penalty of £275,000 on the Law Society following my decision to declare the complaints-handling plan submitted by the Legal Complaints Service for the period 1 April 2008 to 31 March 2009 as inadequate.

It was the extent of the inadequacy of the Plan, together with concerns that the Legal Complaints Service had not committed to further improvements, which determined the imposition of a penalty and its level.

On 4 March 2009, following a number of detailed discussions the Law Society and I announced that we had reached a regulatory settlement whereby a sum equivalent to the penalty would be invested in a range of Client Care measures designed to promote diversity and excellence in the profession and to improve standards of client care and complaints handling.

*"We are pleased that the Commissioner has accepted proposals from the Society to use the funds to promote diversity and excellence in the profession and improve client care. The initiative will have links to the existing and substantial range of Law Society activities to broaden access to the profession and improve standards of client care and complaints handling within the profession".*

Des Hudson, Chief Executive, the Law Society<sup>34</sup>

## Client Care Measures

The measures agreed by me with the Law Society included:

- establishing a Consultancy Service, costing £100,000, involving the recruitment and training of national consultants who would work alongside the Solicitors Regulation Authority to target the firms it has identified need help with client care and complaints handling;
- setting up a dedicated client care and complaints helpline, which would involve taking over the Legal Complaints Service's telephone helpline for solicitors (Lawyerline) and relocating it to its very successful Helpline Team, staffed by solicitors. The Law Society committed £30,000 to recruit additional resource, train the existing team and launch the new complaints helpline;
- providing additional funding to the Solicitors' Diversity Access Scheme. With the support of the Law Society Charity, the Solicitors' Diversity Access Scheme is able to award scholarships to a number of students to enable them to undertake courses leading to qualification as a solicitor. The Law Society committed to provide an additional £105,000 to fund two additional places per year for five years on its Diversity Access Scheme; and
- recruiting a Client Care Project Manager at a cost of £40,000, with responsibility for overseeing the range of measures agreed, providing project plans and reporting to me on a quarterly basis.

I was very pleased that I was able, with the Law Society, to find a pragmatic solution to ensure that the money from the penalty, would be used to assist the profession and ultimately to benefit the consumer.

## Summary of Progress

The Law Society has reported that it has made good progress towards the achievement of the agreed measures in promoting diversity and excellence in the profession and improving client care.

<sup>34</sup> Joint OLSCC and Law Society press notice, 4 March 2009

## Client Care Consultancy Service

The Client Care Consultancy Service was set up to help improve the client care and complaints-handling performance of firms who had experienced the highest volume of matters (including complaints, remuneration certificate matters and enquiries) with the Legal Complaints Service between

1 April 2008 and 30 September 2009. Visits have been taking place since June 2009 on a rolling programme and will continue until 31 March 2010.

288 firms were invited to take advantage of a free, confidential, supportive client care consultancy service that would be tailored to their specific needs.

Number of firms invited to participate in consultancy service	288 firms
Number of firms accepting invitation	147 firms
Number of firms declining invitation	9 firms
No response (includes at least 10 firms who closed/were intervened into)	133 firms
% total of firms who have accepted the offer of help	51%
Complaints handling talks delivered to local Law Societies	3

So far, to the end of December 2009, 147 firms have taken up the offer of help. The Law Society reports that feedback has been extremely positive with the vast majority of firms welcoming the support, with many calling it the most practical and helpful assistance they have received. It states there are

numerous examples of how firms have embedded change and improvements into their processes and culture as a result of these visits. It is anticipated that the total number of visits is likely to be 170-180 by the end of March 2010.

Number of firm visits	63 firms
Number of firms with visits still to be completed	84 firms

The Law Society reports it is too early to measure firms against any improvement in their referral rate

or on costs but the figures below provides a baseline against which they can be measured from mid 2010.

Number of Legal Complaint Service referrals generated by the 288 firms in the period 1 April 2008 to 30 September 2009 (Referrals include enquiry files, complaints, remuneration certificate applications and/or waivers)	3,889
Number of referrals generated by the 147 participating firms	2,021
Total cost to the profession of the <i>complaints</i> generated by the 147 participating firms (based on average cost per complaint of £1,770)	£2,924,040

The following table provides information on the profile of the 288 firms broken down into groups by qualified fee earner size. The % share of the 288 firms for each group is shown as the % share of the total client referrals of the 288 firms. The % response rate by size of firm is also shown.

The Law Society states that sole practitioners represent only a small proportion of the total number of firms, but were least likely to accept the offer of consultancy help. Very large firms appear to generate a disproportionate number of referrals considering their relatively low numbers. They were, however the most likely to seek help.

No of qualified fee earners in firm	% of 288 firms invited to participate	% share of 3,889 client referrals generated by the 288 firms	% of firms accepting offer of consultancy help
100+	4.5%	9%	61%
50 - 99	7%	8%	48%
25 - 49	19%	18%	60%
10 - 24	26%	27%	58%
2 - 9	39%	32%	35%
Sole Practitioners	4.5%	6%	21%

### Consultancy Service – qualitative outcomes

The Law Society has confirmed that all firms were invited to provide feedback at the conclusion of the

visit. Furthermore a telephone sample of firms was taken to gather feedback at the end of December 2009. The following results provided by the Law Society show that the overall response to the help has been very good.

Number of firms who have provided feedback on the visit	25
% of which who rated the service excellent or very good	91%
% of which who rated the service poor or very poor	9%

### Key points identified by the Law Society

In conducting the Client Care Consultancy Service, the Law Society has made a number of findings, some of which I believe would be useful for other firms of solicitors to consider. These are:

- simply receiving a letter from the Law Society about their complaints performance often had the effect of galvanising many firms into action. Firms welcome the power of an authoritative, supportive “outside voice” coming in to talk to them about client care;
- many firms do not realise that they have a problem with complaints. They have no reference to any meaningful benchmark to be able to judge what poor performance is;
- most Law Society consultants have ensured that visits are followed up and action plans adhered to so as to drive through improvements. Such action plans include changes to processes, document improvements, training for staff, re-design of office space, changes in cultural attitudes based on structured plans;

- some firms have gone on to request additional help and some have engaged the consultant on a private fee paying basis. Some firms have bought in outside consultancy at their own cost where the Law Society has not been able to provide follow up support. There is an appetite for more help once the firm begins to work with the consultant. Consultants have had success in promoting other Law Society services such as Lexcel and Lawyerline; and
- 20% of the firms contacted by the scheme had firm-wide quality accreditations, such as Lexcel, and yet are generating many complaints. There appears to be a tendency for some firms to hide behind quality accreditations to avoid dealing with ingrained cultural issues that are real barriers

to improved client care. This is being taken up by the Project Manager with the accreditation scheme managers so that appropriate follow up action is taken to improve performance.

### Client Care and Complaints Handling Helpline

The Law Society’s telephone helpline for solicitors, Lawyerline, was transferred from the Legal Complaints Service to the Law Society in March 2009 to provide on demand client care and complaints-handling support for all solicitors. The Law Society reports it has achieved a considerable 296% increase on a month on month basis in calls compared to when it was operated by the Legal Complaint Service.

Monthly calls to Lawyerline			
Law Society		Legal Complaints Service *	
April 2009:	166	August 2008:	40
May 2009:	195	September 2008:	63
June 2009:	220	October 2008:	63
July 2009:	228	November 2008:	61
August 2009:	254	December 2008:	50
September 2009:	209	January 2009:	57
October 2009:	260		
November 2009:	249		
<b>Monthly average at the Law Society: 222</b>		<b>Monthly average at LCS: 56</b>	
296% increase on LCS performance			

The Law Society states that the increase in call numbers can, in part, be attributed to its sustained marketing and awareness campaign of Lawyerline that has occurred in 2009.

It confirms that advice and assistance has been given to 1,781 callers, and positive written feedback has been received from some users of the service who have expressed their support for this service and satisfaction with the assistance they have received.

The most common subject area on which callers sought assistance involves queries relating to the

implementation of their own internal complaints-handling process. In this regard, the Law Society reports the service has achieved one of its primary objectives, namely to be a robust and pro-active service which delivers improvements in client care and assists solicitors in reducing the level of formal complaints.

In the coming year, it states Lawyerline will continue to enhance its marketing and awareness to build on its reputation as a prominent resource for solicitors to use when improving their client care processes.

## Diversity Access Scheme

The Law Society Diversity Access Scheme aims to help talented, committed people overcome obstacles to becoming a solicitor. The obstacles may be because of a disability, or because of social, educational or family circumstances, but in all cases, without financial support they would not be able to pursue a career in law.

Of the 96 applications to the Diversity Access Scheme during 2009, 12 places were finally awarded, 2 of which were as a direct result of the regulatory settlement agreed by me.

In all cases, those awarded places through the scheme were selected on the basis that they not only demonstrated through their written application and during interview potential as a solicitor, but that they would not have been able to undertake the Legal Practice Course without assistance from the scheme. A formal awards ceremony took place on 7 October 2009, to mark the launch of a fundraising campaign by the Law Society Charity to raise £250,000 for further additional places on the scheme.



The recipients of the awards from the ceremony on 7 October 2009 – photograph by Kim Brett

## Cumulative costs summary for the Client Care Programme

<b>Programme Budget</b>	
Client Care Services (including Lawyerline)	£170,000.00
Diversity Access Scheme	£105,000.00
<b>Total Budget</b>	<b>£275,000.00</b>
<b>Programme Expenditure</b>	
Lawyerline costs (inc salary costs to year end)	£33,257.58
Client Care Manager costs (inc salary costs to year end)	£45,193.15
Consultancy Service costs (inc all costs up to 10 Dec 2009)	£34,735.46
<b>Sub total client care direct expenditure</b>	<b>£113,186.19</b>
Diversity Access Scheme (£21,000 per year for next 5 years)	£21,000.00
<b>Total Interim Expenditure</b>	<b>£134,186.19</b>
Estimated additional consultancy service costs (to be incurred by 31/3/2010)	£41,000.00
<b>Estimated final expenditure at 31 March 2010</b>	<b>£175,186.19</b>
Diversity Access Scheme – Budget for 2010 to 2013	£84,000.00
<b>Envisaged anticipated spend by 31 March 2010</b>	<b>£259,186.19</b>
<b>Estimated under spend as at 31 March 2010</b>	<b>£15,813.81</b>

The Law Society reported to me in January 2010 that any underspend against the original forecast budget of £275,000 as at 1 April 2010 will be ring fenced and used for an approved purpose to be agreed with me. I have now agreed with the Law Society a proposal to assign the underspend balance towards an additional place on the Diversity Access Scheme.

### My view of the Client Care work undertaken by the Law Society

From the information provided to me by the Law Society, I consider that the progress made this year was sufficient to enable me to consider that the Law Society is meeting its commitment to boost capability and capacity in the legal profession.

I hope that further investment will be made to encourage excellence in client care and develop innovative approaches to promoting client focused service delivery.

## 8 The Work of My Office

### Preparing for closure

When I was appointed I knew that if my Office turned around the poor handling of complaints by the Law Society, its success would mean that it could close its doors as its job would be done. That is now possible, and throughout this year I have been proactively planning, and then implementing, the stages for the effective closure of my Office on 31 March 2010.

Since its inception, my Office has been exemplary in the efficient use of its resources. For 2009 I aimed for this to continue by planning for my Office to deliver its statutory programme of regulating effectively the complaints handling of the Law Society. I also took into account the impact of my amended powers on my work programme and staffing requirements. This allowed for staff to move on to new roles at appropriate points in a measured way, whilst retaining a necessary core of staff that would be required to complete my work.

I am pleased to say that I have been able to achieve the reduction in staff numbers without any disturbance to my statutory duties, and without any impact on the service we have provided. Working with the Ministry of Justice I have been successful in ensuring that my experienced staff have moved to new and equally challenging roles with many now occupying senior positions in other government bodies.

Through this programme, I have also been able to reduce significantly the cost of running my Office (for 2009 the cost of running my Office will be 35% of the cost at its peak in 2005/06), and have been proactive in supporting the Ministry of Justice's efficiency drive by accommodating two of its associated organisations in the freed up space in my office.

Despite the uncertainty my staff faced with regard to their futures, they have completed the work of my Office in a professional way. This is a credit to each of them as individuals, and to the dedication they have shown to me and consumers of legal services.

Past | Present | Future



# 9 Some Views to Consider for Future Regulation

1. I consider that for a regulated body where significant improvement in its performance is needed and sufficient time is allowed for this to happen, it is important for the regulator to have the power to impose a penalty if there is a failure to achieve the necessary improvement. The power to impose a penalty will accelerate the improvement process by giving greater incentive to the regulated body to make it happen.

**I would recommend to government that where it is appropriate, it gives regulators the power to fine (particularly where they need to improve performance significantly and/or the regulated body has at any stage demonstrated recalcitrance) within a suitable framework for its use.**

2. The range of powers available to me as Commissioner was limited, and at times a greater range of options might have been helpful. For example, lack of sufficient investment in complaints handling by the Law Society was evident when I was first appointed; it would, therefore, have been particularly beneficial for me to have had the power to encourage the Law Society to invest appropriate resources into the problem areas identified and, as a consequence, aid a quicker improvement in performance.

**I would recommend that, in setting up future regulators, government considers providing scope for investment of monies from those regulated, to achieve the statutory goals.**

3. It was vital in moving forward the performance of the Law Society, to establish a strong evidence base on which the target setting regime was founded. The evidence was gathered initially by my commissioning an independent body<sup>35</sup> in 2004 to verify the Law Society's performance and assist in establishing the baseline. However, as the regulatory relationship developed, it was essential in measuring improvement, particularly in terms of quality and consistency, to have the ability to audit live and closed cases. The Legal Complaints Service and the Solicitors Regulation Authority were also the beneficiaries of this approach as audits and investigations carried out by my Office were able to pinpoint very precisely the changes in process needed to bring about improvement.

**I would recommend to future regulators, the use of audit and investigation to underpin target setting and performance improvement. I would also recommend to government that in future, regulators are given the ability to investigate and audit as appropriate within their statutory framework.**

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<sup>35</sup> PA Consulting

It is also pleasing for me to note that my Office's job is done. It has been successful in helping the Law Society improve its complaints handling. It is now for the Legal Services Board to take this forward and the Office for Legal Complaints to build on this platform and deliver excellence in complaints handling for all branches of the legal profession.

My Office is recognised as an effective and strong regulator that delivered a positive outcome for the consumer and legal profession. In every area for which I set targets, improvement was achieved.

In summary, in achieving this success I feel that new regulators may want to reflect on the important factors that underpinned it.

First strong leadership, good support from your stakeholders and a vision of what can be achieved will help overcome the reluctance (sometimes in the face of overwhelming evidence) of those being regulated to aim for sufficient improvement.

I feel that to achieve improvements through regulation you need a skilled team that is resourced sufficiently to meet the difficulties of any major change it may face. For my Office, this was particularly challenging in the early days when there was the need to set realistic targets that would help, and not hinder, the momentum for improvement. This was a strategy that would form the essential bedrock for future improvements. This meant building my Office on a lean structure, with staff flexible in their approach, to give it the ability to move quickly to meet fresh challenges.

In support of this, I believe a regulator needs to be accountable through a governance structure that challenges its decisions and policies robustly. For me, my independent Advisory and Consumer Board was that 'questioning voice', that helped ensure my decisions and policies were soundly based and independently tested.

Finally, I made certain that my Office demonstrated strong regulatory skills and followed best practice in regulation. This resulted in a fair yet uncompromising regulation, which was results focussed and in the public interest. This was supported throughout by good relationship management with those being regulated, opening up opportunities for unfettered debate.

# Appendix 1

## Advisory and Consumer Board Members



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**Colin Brown** – is Policy Director at the Office of Fair Trading. He joined the OFT in 2003 after three years as Chairman of the Financial Services Consumer Panel. He also worked as an independent consultant specialising in consumer policy and research, both in the UK and internationally. Before that he was Deputy Research Director at the Consumers' Association and Senior Fellow at the Policy Studies Institute.



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**Rob Chester** – is currently Head of Risk and Deputy Company Secretary for Asda Stores Limited. He has an extremely broad role to assess and adequately control the risks that exist in a twenty first century retailer. Prior to joining Asda, Rob spent ten years at Tesco. Whilst progressing his retail career Rob also studied for a Law Degree and latterly the Legal Practice Course.



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**The Countess of Eglinton and Winton** – has been involved as a fundraiser for the NSPCC since 1960, becoming a Trustee 1993 - 2003. She also served as a Trustee of the NSPCC Pension Scheme. Marion was a Governor of the Royal Masonic School for Girls 1992 - 1998. She is currently fund raising and organising events for Leonard Cheshire Scotland.



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**Louise Hanson** – has worked at Which?, the largest consumer organisation in Europe, since February 2000. She joined as a Senior Public Affairs Officer and became Head of Campaigns in July 2003. Previously Louise worked in campaigns and public affairs at Oxfam and Townswomen's Guilds.



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**David Harker OBE** – has been Chief Executive of Citizens Advice since 1997. He joined Citizens Advice from Sense, the national disability charity, where he was managing director. His earlier career included management consultancy, running an inner city charity, working for a council of voluntary service, as a policy analyst for a local authority and a research and press officer for a trade union. David has an MBA from London Business School and an MA in social policy.



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**Malcolm Hurlston** – is a social entrepreneur who has founded and chairs a number of charities and non-profit making organisations. This includes the Foundation for Credit Counselling, Britain's leading debt charity, and the Registry Trust, which registers judgement, fines and decree information in the UK and Ireland.

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**Clare Montgomery QC – (associate basis member)** – a Deputy High Court Judge since 2003. Clare is a highly respected specialist in criminal law, perhaps best known for her work on ‘white collar crime’ cases, such as Guinness and Maxwell.



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**George Seligman** – a partner with Slaughter and May, a leading international law firm with a world-wide corporate, commercial and financing practice. George specialises in financing, corporate recovery and insolvency work, and also has a general commercial practice. He has acted for borrowers and lenders on a wide range of financing transactions including securitisations, acquisition finance, syndicated and bilateral loans and structured finance.



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**Professor Avrom Sherr** – is Director of the Institute of Advanced Legal Studies and the Woolf Professor of Legal Education at the Institute. His main areas of interest have been the development of legal education, the sociology of the legal profession, ethics in professional work and the provision of legal services. He was a member of the Lord Chancellor’s Advisory Committee on Legal Education and Conduct; and of the Race Relations and Equal Opportunities Committees of the Law Society of England and Wales. He also acts as a consultant to government and professional bodies in relation to access to justice and professional training and discipline.



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**Steven Silver** – is Head of Legal Services and Deputy Secretary of United Co-operatives Limited, the largest independent Co-operative Society in the UK. Steven was educated at Esher County Grammar School and the University of Durham where he obtained a Joint Honours degree in Law and Politics. Following his successful completion of the Law Society Finals Examination in 1983, Steven went on to work for a number of law firms including Sugden & Spencer Solicitors (1987 – 1993) and Radcliffes LeBrasseurs Solicitors (1993 – 1996) where he was a partner.



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**Stephen Boys Smith** – a former senior civil servant with extensive experience of working closely with Ministers and managing and bringing change into large organisations. He is presently Joint Secretary to the Independent Monitoring Commission, Northern Ireland.



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**Michael G Wilson** – has worked as a lawyer for the Department of Transportation in Washington D.C., before joining the law firm of Surrey and Morse. He became a partner of this firm in 1972. In 1974 Michael left the firm to join EON Productions and is producer for the Bond films.

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# Appendix 2

## Acknowledgements

My Office peaked with 20 staff. My Office and I regulated the much larger Law Society, and then helped turn its performance around. However, this could not be achieved alone, and was only possible with the help and support of numerous individuals and organisations. To recognise this, I would like to make special mention of a few of those here:

### **Secretaries of State and Lord Chancellors**

Lord Irvine of Lairg

Lord Falconer of Thoroton

Rt. Hon Jack Straw, MP

### **Members of both Houses of Parliament**

#### **Sponsoring Government Department**

*Ministers and Officials from:*

Lord Chancellor's Department

Department for Constitutional Affairs

Ministry of Justice

### **Law Society**

*Present and former staff and Office holders of:*

The Law Society of England and Wales

*Board and staff of:*

The Legal Complaints Service

*Board and Staff of:*

Solicitors Regulation Authority

### **Consumer Organisations**

Which?

Consumer Focus (formerly the National Consumer Council)

Citizens Advice

CASIA

British Lung Foundation

### **Professional and other Bodies**

General Council of the Bar

Bar Standards Board

Financial Services Authority

### **External Assurance**

National Audit Office

### **Legal Support to the Commissioner's Office**

Treasury Solicitors

Leading Counsel – Philip Havers QC, One Crown Office Row



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