

Meeting	OLC Board Meeting	Agenda Item No. Paper No.	6 136.4
Date of meeting	18 December 2024	Time required	15 minutes

Title	Service Complaints Adjudicator Tender
Sponsor	Steve Pearson – Deputy Chief Ombudsman
Status	OFFICIAL

Executive summary

The current Service Complaints Adjudicator (SCA) contract expires on 31 March 2025.

In preparation for going out to tender for a new SCA for 1 April 2025, this paper provides the Board with:

- an overview of the recommended tender process and timeline;
- recommendations for improvements to the SCA Terms of Reference (Annexes A and B)

Annex C to the paper also addresses a range of further options (that LeO would like to assess further as part of its wider review of the service complaints process which will be finalised in 2025/26) relating to the role and remit of the Service Complaint Adjudicator.

Recommendations

The board are asked to approve:

- the revised ToR for the SCA
- the plans to retender the SCA contract and proposed timeline;
- the proposals for future options to be explored as outlined in Annex C.

Equality Diversity and Inclusion

EDI Implications	
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No

Freedom of Information Act 2000 (Fol)
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Paragraph reference	Fol exemption and summary
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Main paper sections 2-5, Annex B and C

Section 43(2) exemption information on the basis that disclosure would, or would be likely to, prejudice commercial interests. These sections of the paper provide details around future plans and timelines for the tender process and releasing these details before the process has actually commenced might impact the decision whether or not to submit a bid. Annex B outlines revised terms of reference have not been approved and may in draft form influence the commercial decision of a potential bidder as to whether to apply for the role

	Annex C outlines future plans for the role of the SCA might impact on parties' decision to submit a tender when no decision as to the long term future has yet been reached.
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Service Complaints Adjudicator – contract review

1. Introduction

The Service Complaints Adjudicator (SCA) role sits within our service complaints process. They provide a final opportunity for customers to escalate their unresolved concerns about the Legal Ombudsman’s customer service to an independent person; and in doing so the adjudicator acts as a point of assurance to the OLC Board, with mid and end-of-year reports on what they have seen.

As the current SCA contract expires on 31 March 2025, we are required to go out for tender for a new adjudicator for 2025/26. Plans are in place to complete this in Q4, and an anticipated timeline of events is included for your information and agreement.

We have also taken this opportunity to recommend amendments to the SCA Terms of Reference (ToR). These changes are proposed with a view of ensuring the role of the SCA remains proportionate, whilst maintaining the required level of insight and assurance their involvement in the service complaints process provides.

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Annex A

Service Complaints Adjudicator - Terms of reference (Current)

1. Any consumer or service provider unhappy with the service provided by the Legal Ombudsman may have their service complaint considered by the Service Complaint Adjudicator (the Adjudicator) if the following has taken place:
 - a. the service complaint has been responded by a Customer Experience Specialist; **and**
 - b. it has also been looked at by a senior member of staff; **and**
 - c. the request to refer the complaint to the Adjudicator is made within one month from a senior member of staff providing their response under (b) above, or within two months of the closure of the file, whichever is the later.

2. If the Adjudicator receives a service complaint that also relates to other matters, the Adjudicator will only investigate the service complaint. Service complaints **exclude**:
 - a. The merits of any decision involving a complaint against a service provider or other professional under the law or rules relating to the OLC including jurisdiction issues, dismissing, rejecting or upholding a complaint and any redress;
 - b. The interpretation of Scheme Rules or any decision made under the Scheme Rules such as case fee waivers or the publication of decisions;
 - c. Any disagreement about what evidence the OLC have requested to be able to determine a complaint;
 - d. Allegations of bias or misconduct in public office;
 - e. Issues that would normally fall to the Information Commissioner's Office to determine;
 - f. Employment issues relating to employees of the OLC; and
 - g. Issues involving commercial transactions between the OLC and third parties.

3. Generally, the Adjudicator will **not** consider service complaints whilst a complaint against a service provider is in progress unless the Legal Ombudsman considers there are exceptional reasons to do so. If the Adjudicator does look at a service complaint whilst a complaint against a service provider is in progress, that investigation will continue unless the Chief Ombudsman agrees to suspend the investigation.

4. The Adjudicator will have access to all files held by the Legal Ombudsman relating to the service complaint and any relevant complaint against a service provider. These files include email traffic, letters, reports, file

notes, and recordings of telephone calls. The Adjudicator may seek any further information that he or she considers necessary from the person or business making the service complaint, or from the Legal Ombudsman.

5. If the Adjudicator considers that a service complaint is justified in whole or in part, he or she may **recommend** to the Chief Ombudsman that the Legal Ombudsman should:
 - a. Apologise;
 - b. Take such steps as the Adjudicator believes would be fair and reasonable; and/or
 - c. Pay reasonable compensation (equivalent to what the Legal Ombudsman would itself award against a service provider in similar circumstances) for any loss, distress and/or inconvenience caused by the Legal Ombudsman's level of service to the person or business making the service complaint.
6. If the Chief Ombudsman decides **not** to accept that recommendation, the Adjudicator will refer the matter to the Legal Ombudsman's Board (the OLC). The OLC will normally decide on its response at the next meeting, following receipt of the details of the service complaint and the Adjudicator's recommendation(s). The OLC may request that the Chief Ombudsman and/or the Adjudicator attend the meeting.
7. If the OLC decides **not** to accept a recommendation referred to it by the Adjudicator, it will tell the Adjudicator and the person or business making the service complaint along with its reasons for not doing so. An anonymised summary of the case and the reasons for not accepting the recommendation may be published in the Adjudicator's annual review.
8. The Adjudicator will give his or her findings in writing and these will be provided to the Legal Ombudsman and to the person or business that made the service complaint. There is **no appeal** against the Adjudicator's decision.
9. Each year the Adjudicator will compile, for inclusion in the annual report of the Legal Ombudsman, a summary of the number and nature of the complaints received, and of any recommendations made to the Chief Ombudsman or referred to the OLC.

Annex B

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Annex C

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