

Memorandum of Understanding

Prisons and Probation Ombudsman and the Legal Ombudsman

Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework for the Legal Ombudsman (LeO) and the Prisons and Probation Ombudsman (PPO) to work together to perform their independent roles and separate functions as set out in the Legal Services Act 2007 (the 2007 Act) and the PPO's terms of reference respectively.
2. The aim of this agreement is to put in place clear arrangements and practices that will foster an effective and co-operative working relationship between LeO and the PPO.
3. LeO and the PPO wish to operate in accordance with good practice and are therefore committed to cooperating and sharing knowledge and expertise to benefit their 'complainants in common' who are consumers of legal services and immigration advisory professions.

Roles of the PPO and LeO

4. The PPO was established in 1994 and is appointed by the Secretary of State for Justice on the recommendation of the Justice Select Committee. The PPO is a non-statutory public appointment and is completely independent of the bodies he investigates. The PPO's purpose is to investigate independently and impartially eligible complaints from prisoners, those under probation supervision and immigration detainees. The PPO also investigates all deaths of prisoners, residents of probation service approved premises, and immigration detainees.
5. The PPO's statement of purpose is "to carry out independent investigations into deaths and complaints. Our service is in respect of prisoners, those supervised by probation and immigration detainees. The purpose of our investigations is to understand what has happened, to correct injustices and to identify learning for the organisations whose actions we oversee."
6. LeO is administered by the Office for Legal Complaints (OLC) under the 2007 Act. The role of the OLC is to set up and administer the LeO as the ombudsman service for all parts of the legal profession. LeO is an independent and impartial service that users of legal services can access to resolve complaints about the service provided by their lawyer or firm.
7. The statutory objective of LeO is to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in all the circumstances. The scheme has both a statutory, and the capacity for a voluntary, jurisdiction.

Co-operation, information sharing and communications

8. The PPO and LeO agree that they will:

- a. communicate regularly to discuss matters of mutual interest;
 - b. seek to share expertise wherever appropriate; and
 - c. consult one another at an early stage on any issues which might have significant implications for the other organisation.
9. The PPO and LeO will exchange information in order to support each organisation's respective role, taking into account relevant restrictions on the disclosure of confidential or sensitive information.
 10. When LeO receives a complaint from a prisoner, an offender under probation supervision or an immigration detainee about the decisions and/or actions taken by the Prison Service, the Probation Service or the UK Border Agency, it will forward the complaint to the PPO together with any supporting documents within 10 working days. The PPO will confirm receipt, and will deal with any complaints so received according to its own terms of reference and procedures. This will include forwarding it on to other regulatory or investigatory bodies where appropriate.
 11. When the PPO receives a complaint about an authorised person under the Legal Services Act practising in England or Wales, it will forward the complaint together with any supporting documents to LeO within 10 working days. LeO will confirm receipt to the consumer, and will deal with any complaints so received according to its own procedures.
 12. If LeO receives a contact from a consumer regarding possible poor service or misconduct by the organisations within the remit of the PPO, it will forward this information to the PPO within 10 working days. LeO will also advise the consumer to contact the PPO if they have any further queries. For clarity, we will not report a lawyer who may have worked within the services covered by the PPO.
 13. LeO and the PPO will liaise, as appropriate, to avoid unnecessary duplication of work and to promote the public interest in the handling of complaints within the Justice system. This could include joint communications work in future and we will liaise to determine the appropriateness of joint working in this area.
 14. LeO's Head of Policy and Communications and the PPO's Deputy Ombudsman responsible for Learning Lessons and Strategic Support will be responsible for determining and reviewing the above operational procedures and for putting in place effective working practices that meet the objectives of this agreement.
 15. LeO and the PPO will monitor the operation of this MoU on an annual basis if required.



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Adam Sampson

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Nigel Newcomen CBE

Chief Ombudsman

Prisons and Probation Ombudsman