

Legal Ombudsman Transparency discussion paper – consultation questions

Q1. Would adding extra filtering options for our decision data help consumers to make informed decisions when selecting a service provider? Are there other filters we do not currently offer that we should consider including?

Additional filtering options are unlikely to assist greatly as the data is inherently quite vague given the case anonymity and broadness of some of the categories. To help put some further context around this, it might be worth detailing the date the complaint was made to the legal entity and the date of response. In some instances, there is a significant time lapse from the date a legal entity responds to a complaint and the date on which an Ombudsman makes a final decision.

In addition, if some context around the size of the legal entity could be provided, this would be useful. The number of qualified solicitors (or equivalent for a non-Law firm) might help to put some context around this. This type of information might be easily obtainable from, for example, the Law Society website.

Q2. Would sending annual reviews to service providers (without publishing the information) be helpful in raising standards? If so, what should the selection criteria/methodology be?

It is likely that service providers will be fully aware of their own cases that have been dealt with by the Legal Ombudsman so sending them summary information about these is likely to be of limited value.

In addition, it appears that you will be constrained in this regard and only able to provide summaries on Ombudsman decisions. It is usually only a small proportion of a firm's LeO escalated cases which reach Ombudsman decision stage. This is therefore unlikely to provide much context around overall complaints coverage.

Given that the intention may be to publicise this summary information quite widely, we believe that careful consideration should be given to any publication to avoid any unfair or inaccurate perceptions of firms being portrayed.

Q3. Would edited annual review letters be useful to consumers? Are there any risks we should take account of when considering this proposal?

As above, this is something we would suggest would need to be considered very carefully. It appears there could be a risk that it unfairly reflects on a law firm. It could well require heavy contextualisation and explanations of what the data represents. Most consumers will be less aware of complaints processes with the Legal Ombudsman and the scale and nature of work undertaken by different law firms. There is a danger this information could be quite misleading in some instances.

Q4. How might publishing full decisions help consumers to assess quality of service?

It would be surprising if many consumers would reference the Legal Ombudsman's website to assess quality of service prior to instructing legal services. It is more likely that consumers will access information relating to the Legal Ombudsman only once they have a reason for dissatisfaction and cause to complain.

If consumers were expected to consider this before choosing legal services, then it is more likely to be done if there is prominent reference to this on a legal entity's website. If a consumer is considering different legal service providers' then they may well access each potential provider's website before making their decision. As alluded to in the discussion paper, they may already do this to obtain pricing information as a starting point in the decision process.

Again, the information will be limited to a small sample of individual cases which may or may not be representative of overall quality of service with a legal entity.

Q5. In what ways could publishing full decisions have benefits for firms and the wider sector?

Firms and the wider sector could analyse decisions to understand broadly the approach the Legal Ombudsman might take in a similar situation. This would include expected levels of service, what constitutes poor service, and also awards made to reflect any service disruption.

It could lead to firms making pro-active changes to service delivery and modifying the approach to complaints resolution. Assuming any changes in complaints resolution are better aligned with the Legal Ombudsman approach, this could lead to less escalations to the Ombudsman scheme for consideration.

This would be a positive for the Legal Ombudsman and firms alike.

Q6. What reasons should we consider for not publishing full decisions? Please provide evidence with your answer.

Publishing full decisions does seem to be a positive and sensible step in the right direction, although we believe this is likely to be more beneficial for legal entities than for consumers, as above.

There do not appear to be any significant reasons to argue against publication that can be justified.

Q7a. Would it be useful and appropriate to be able to provide contextual information alongside our decision data? Do you foresee any potential difficulties with this, other than those already identified?

It would be useful and appropriate to provide contextual information as well as decision data. As noted in the discussion paper, it is important that if consumers are using the data as a qualitative measure, that this is not in anyway misleading.

Difficulties could arise if contextual data is not readily available or if the wrong data is used.

Q7b. (if you are responding from a regulatory body) What are some of the barriers preventing sharing of contextual data, or lessons we can learn from other sectors? Are there ways of overcoming these?

Not applicable as we are not a regulatory body.

Q8. Does publishing a greater range of data provide consumers with better information on which to make decisions about choosing a provider?

This could well be the case provided that the data gives consumers a greater insight into qualitative abilities of legal entities. As mentioned earlier in this response, we do question whether or not consumers will proactively access this information when deciding upon a legal entity to represent them.

Presumably the majority of complaints are resolved at tier one of the Legal Ombudsman process, so not publishing any data in relation to this means there is likely to be a considerable lack of overall context for consumers.

Q9. Would it be useful for LeO to publish a greater range of data for other reasons?

Yes, it would be useful to the industry generally to understand how they are performing against competitors, what the main complaints trends are, and what steps they might be able to take to improve performance.

Q10. Would allocation of resource to changing the Legal Services Act 2007 be appropriate? Who would it be most appropriate for us to work with on this project?

It does feel as though this is essential, as with the current restrictions in place, that data whilst interesting is unlikely to not provide any real context and could potentially mislead consumers. It is unclear which parties would be best to support with this at this stage.

Q11. Would you support greater investment of budget and resources into improving our data collection and analysis for the purpose of transparency?

Yes, this would appear to be beneficial but only if changes to legislation allow for a greater range of data to be published. Without this, it seems as though any data published would lack context and would be of little use to both consumers and the legal services industry.

In addition, if the investment of budget and resources meant a step back in terms of increasing the effectiveness of operational functions, then this would seem to be detrimental to the overall Legal Ombudsman strategy.

Q12. Have we considered all the potential advantages and disadvantages of these four proposals? Please provide evidence to support your answer where possible.

The paper is well presented and concisely summarises the advantages and disadvantages. There are clearly some significant constraints to overcome to make some of the four proposals viable propositions.

Q13. Are there other ways we could improve our transparency?

Whilst this is likely to be the most effective method from a consumer perspective, it may also be worthwhile considering overall transparency, and what could be published to give the legal sector greater understanding and insight into the operation of the Legal Ombudsman.