



The Society of Licensed Conveyancers

Response by The Society of Licensed Conveyancers to the Legal Ombudsman Scheme Rules Consultation

The Society of Licensed Conveyancers ('The SLC') is the professional body representing Licensed Conveyancers and Licensed Probate Practitioners, as regulated by the Council for Licensed Conveyancers.

Question 1: Do you agree that there is merit in reducing the time limit for complaints to be brought to the Legal Ombudsman to one year from the date of act/omission or date of awareness (whichever is the later)?

The SLC agrees that there is merit in reducing the time limit for complaints to be brought to the Legal Ombudsman to one year from the date of act/omission or date of awareness (whichever is the later). The SLC considers that it is within the best interests of all parties for any complaint escalated to LEO to be brought within a timely manner. As stated in the consultation the longer the wait the more difficult and costly it is to investigate the complaint.

Question 2: Do you agree that there is benefit in introducing a new Rule 2.11?

The SLC agrees that there is a benefit in introducing new Rule 2.11. The pilot scheme has shown that there are a number of cases where there is little or not benefit in a costly examination of the complaint, especially where the service provider has offered a reasonable sum to settle the complaint.

Question 3: Do you support the proposed amendments under Scheme Rule 5.7?

The SLC supports the proposed amendments under Scheme Rule 5.7. We note that one of the amendments seeks to right a wrong that is inherent within the current LEO framework in that a case fee applies even when a small minor increase in made to an existing offer, this is seen as punitive by law firms. The opportunity for the consumer to challenge/query the decision is an acceptable remedy.

Question 4: Do you have any concerns about the implications of the changes to Rule 5.7?

The SLC has no concerns regarding the implications of the changes to rule 5.7.

Question 5: Do you support the intention to look at being able to widening the extent of the delegation of Ombudsman decision making powers?

The SLC would support the intention to look at being able to widen the extent of the delegation of Ombudsman decision making powers.

Question 6: Do you support the proposal to limit the right to an Ombudsman decision where no substantive issues are raised with the case decision?

The SLC does support the proposal to limit the right to an Ombudsman decision where no substantive issues are raised with the investigator's findings. All too often a consumer will request this in the hope that a higher sum of compensation will be awarded, this adds unnecessary time and delay to the process.

Question 7: What factors should an Ombudsman consider when deciding whether a decision is required?

The SLC considers that the following factors should be considered by a Ombudsman when deciding whether a decision is required:

Where either party is able to provide new facts or evidence which may have a bearing on the original decision; or

Where a party can show that the investigator did not consider specific evidence which was applicable to the case that was available.

Question 8: Are there any alternative ways in which the Legal Ombudsman could adjust the rules to achieve a reduction in the number of complaints going to final Ombudsman decision?

The SLC believes that consumers should be advised at a early stage as to whether or not their claim for a high level of compensation is likely to be achieved. We suspect that a large number of complaints that go to final decision are done so in the mistaken belief that a higher compensation amount will be awarded.

Question 9: Do you support a review of the case fees model with a view to implementing a model which better encourages early resolution of cases?

The SLC is supportive in principal of a review of the case fees model. However, we do have concerns in this area. No case fee or a higher chase fee should be applied where the consumer has simply been vexatious with their complaint. There is evidence of some consumers referring matters to the Ombudsman merely to invoke the case fee.

Question 10: Do you support the proposals outlined in the additional changes? If not, please outline which ones you do not support and your reasons why?

The SLC Supports the proposed additional changes.