

**2012-2015
Strategy**

**2012-2013
Business Plan**

A modern Ombudsman scheme

DRAFT

2012-2015 Strategy and 2012-2013 Business Plan

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2012-2015 Strategy

1 Foreword from our Chair, Elizabeth France

This is the second business plan on which we have consulted. The first was, necessarily, focussed on the establishment of the Ombudsman scheme which section 115 of the Legal Services Act 2007 requires the Office for Legal Complaints (OLC) to administer. We met our initial objectives. A new service was available from 6 October 2010 to provide clarity and simplicity in relation to redress. This was done at a time of considerable change in the broader context in which we work. The framework of regulatory objectives set out in the Act are clear and we can now contribute to them by providing an effective and efficient scheme and sharing, as well as using ourselves, the intelligence the Ombudsman gains from complaints handling.

I am very proud of the progress that has been made in our first year and the impact the Ombudsman has already demonstrated but, with my fellow OLC members, I am aware of the importance of looking for ways of ensuring that there is continuous improvement in the service for those who need access to redress, and for the lawyers who can gain valuable insight to help drive up standards in their profession.

Our challenge to continue to develop our core service, so that we provide quick and effective redress, with minimum formality, as the Legal Services Act charges us to do, within this developing context. We shall work with regulators, policy makers and others to make sure regulation and redress fit with innovation and developments in the market; ensuring we draw evidence to share from the first hand experience of people using services, our complainants, to inform broader approaches. While this is a traditional role for Ombudsman schemes, our challenge is to apply these principles in a way which is appropriate to the context in which our particular scheme is operating.

The momentum of the changes in the legal and consumer worlds mean that we shall need to continue to look for ways to keep step with developments and ensure that redress stays relevant and joined up in a changing landscape. In the short term we want to ensure that the service gets faster, smarter and more effective. We are keen to ensure informal links between Ombudsman schemes working in similar areas and shall look for strategic opportunities to work with others where that will bring benefits to consumers. We shall also look at how best to use the provisions in the Legal services Act which would allow the creation of a voluntary jurisdiction if to do so would fill gaps in the availability of access to free and fair redress for consumers of legal services.

This strategy document explains the role of Legal Ombudsman and explores in more detail the external context and some of the potential ways in which our Ombudsman scheme will need to respond or change in order to continue to develop and fulfil its role. It also re-examines some of our early thinking, sets out some key deliverables over the next three years and talks about how different our service might look in the future.

Elizabeth France, CBE
Chair

2 Overview from our Chief Ombudsman, Adam Sampson

If we learned anything in our first year of operation about the complaints we resolve, it was about the importance of effective communication early on in any service delivered by any lawyer or business. This is a pattern repeated across the experience of Ombudsmen resolving complaints, along with the importance of ensuring ease of access to redress and sharing evidence from complaints to bolster standards and inform structural reforms.

For ourselves, our key learning was the importance of keeping it simple in the way we approach how we resolve complaints and in what we strive for across the organisation. And as we are currently in a time of change in the context our Ombudsman scheme works within – with innovation and developments in the legal market and debates about the shape of legal regulation, a changing justice as well as consumer and advice landscape – keeping a focus on those key elements that ensure we can fulfill our promise as a modern Ombudsman service seems right.

The basis of our strategy and business plan stems from our role as Ombudsmen. We are not consumer champions or protectors of the profession but independent and neutral. In order to help the profession improve its standard of service, we also have a duty to share evidence and provide feedback and advice. This will help to ensure that, where problems have occurred, lessons are learned to prevent them happening again so far as possible. Over the coming year we will aim to work even more closely with our stakeholders to discuss and tackle any systemic problems that we have identified from research into complaints, share our knowledge and expertise in the principles of good complaint handling and trends in the market both to the broadening legal world to help them understand how they can improve the services they provide and to regulators and policymakers to help keep pace with a dynamic market.

I would like to take this opportunity to thank stakeholders and colleagues for the way in which they have engaged with us over the previous year. Our work in the coming months will continue to develop and grow and we will continue to engage and consult our stakeholders wherever possible, not least as there are both challenges and tensions for the Ombudsman scheme in responding to the complex landscape in which we find ourselves.

Much of our strategy and detailed plan for the coming year is to keep our focus on simplifying our approach so we can be even more effective and shrewd in how we run our Ombudsman scheme. This strategy sets out our corporate approach (including strategic objectives and approach to performance management), and talks about our core business and challenges for the years ahead. Our starting point is our vision - that everyone is able to access legal services in which they have confidence and our values: open, independent, fair, effective and shrewd. We have also sought to be specific about the five strategic objectives which underpin everything we do, and consult about the linked Performance Indicators which we will use to measure our performance. The focus of this document is therefore an important shift away from any perception that we may still be 'new'; to refining how we deliver our service with a view to get as close to excellence as we possibly can.

Adam Sampson
Chief Ombudsman

3 Who we are and what we do

The Office for Legal Complaints (OLC) is the creation of the Legal Services Act 2007, charged with running an independent, free and accessible Ombudsman service (which in its decision making is independent of government and the legal profession) for consumers of legal services who have complaints against their legal services provider.

The OLC itself has specific statutory duties, including a formal relationship with other bodies as set out in the Legal Services Act as well as its role as the non-executive board for the Legal Ombudsman. While acknowledging the specific role of the OLC, we refer to the OLC in this document in the context of it being the board for the Legal Ombudsman. The use of the Legal Ombudsman (rather than the OLC) refers to the complaints handling body and the operational and administrative employees who work within the Ombudsman scheme.

The scheme itself, named the Legal Ombudsman, takes its powers from sections 125–129 of the Legal Services Act which define the terms of the new scheme and these in turn are embodied in the Scheme Rules. The scheme deals only with consumer complaints about the service received; it does not deal with disciplinary matters, other than to ensure an information flow to those approved regulators who exercise such functions. Its role is two-fold: to provide consumer protection and redress when things go wrong in individual transactions within the legal services market, and also to feed the lessons we learn from complaints back to the profession, regulators and policy makers to allow the market to develop and improve. As such, the Legal Ombudsman sits as an important and vital piece of both the broader justice and consumer landscapes.

This, our first strategy and business plan developed with the benefit of knowledge of real cases and the stories from complaints that offer us insights, not only in to how the market works, but also to help us shape our service in the future. Moving from our inception and through this first year and more of operation, we have said we want to build an Ombudsman scheme that not only resolves individual complaints but also shares that learning and insight to help improve outcomes in legal services, whether it is by improving the standard of legal services offered; helping consumers become more confident in using legal services or by contributing to the broader debates that increasingly impact on how services generally are being offered and the role of redress schemes in that wider schema of consumer protection.

Our basis for our service stems from the Legal Services Act 2007, our governance arrangements and, increasingly, a changing legal and consumer context within which to operate. This provides some givens in how we propose to meet the challenges of the future, for instance in committing to develop our capacity to look at the underlying issues around complaints and share these to inform broader regulatory and policy responses to emerging issues. However, before we embark an examination of the future challenges and our approach to delivering the Legal Ombudsman in the future, we thought it worthwhile to re-state the foundations on which our scheme is built, some which are set in statute such as the regulatory objectives, while others we set in place before we opened, such as our vision and values, and which we believe remain relevant as an operational organisation.

The regulatory objectives

The Legal Services Act sets out eight regulatory objectives as a framework to regulation and redress. Under the Act, the OLC is required to, so far as is reasonably practicable, act in a way that is both compatible with the eight regulatory objectives and pay specific reference to them in our reporting and planning. While it may be argued that some of the objectives are not as relevant to an independent Ombudsman as perhaps they are to our colleagues in the regulatory bodies, the OLC has taken the view that it is right to refer to the objectives as a whole. This provides some useful limits, as well as some assistance in assessing risk, and will require a balancing of the different objectives as circumstance requires; it is unlikely that specific issue or activity will allow us to deliver each separate objective.

With that said, the OLC seeks to act in a way that is consistent with the regulatory objectives. When it does so, it also bears in mind the additional obligations on it: to have regard to good practice in Ombudsman schemes, another obligation of the Legal Services Act, as well as the principles of good complaints handling and good governance set out by the British and Irish Ombudsman Association; and the need to manage our affairs in accordance with good corporate governance.

Governance

The Ministry of Justice (MoJ) sponsors the Legal Ombudsman, in line with the framework agreement. This framework is used by the OLC, the Legal Services Board (LSB) and MoJ and provides information on how we are performing against strategic aims and objectives and whether we are delivering value for money. Our budget for our first year of operation was £19.7m, which was within the cost envelope of at £19.9 million set by Parliament. While the commitments that capped our initial operating budget are no longer in place, we have chosen to challenge ourselves to remain within this limit in line with our own commitment to providing value for money in line with principles of good governance. It also seems right given the financial climate in which we operate.

The sponsor team remain working closely with the Legal Ombudsman and OLC to advise on the appropriateness and coherence of our aims and objectives to ensure they contribute to MoJ's overall aims and objectives. The sponsor team will also continue to provide assurances to Ministers that we are appropriately assessing and managing risks.

Although the funding for the Legal Ombudsman comes ultimately from the legal profession, it is routed through Government and is therefore classified as public spending. As a result, the OLC is accountable direct to the MoJ for its financial performance. However, along with our relationship with the MoJ, the OLC also has a responsibility to report our performance to the Legal Services Board, which also agrees our budget and performance targets.

The governance structure is as follows:

Diagram 1 Governance Structure – insert diagram, same as last year.

The governance arrangements are set out in the Act and enshrined in primary legislation. There is no sign that the basic structures are likely to change during the lifetime of this

strategy. However, the detail of these arrangements will clearly need to be kept under review during the next three years and refined in response to experience and changing circumstances.

Vision, mission and values

The Legal Ombudsman decided to enshrine the expression of its role in a statement of vision, mission and values. They remain relevant as a guide to the organisation and a touchstone against which to consider any changes to the structure or approach of the Ombudsman scheme.

The vision is simple but ambitious: that everyone can access legal services in which they have confidence.

The Legal Ombudsman remains part of a wider process of legal services and justice reform and our vision therefore recognises the role we play beyond the resolution of individual complaints. This wider role is reflected too in the statement of our mission:

Our mission statement:

Our task is to run an independent Ombudsman scheme that will resolve complaints about lawyers in a fair and effective way where we are shrewd and decisive when tackling complex issues and that is open so we can give focused feedback to help drive improvements to legal services.

Our corporate values are embedded within our mission statement:

- Independent
- Fair
- Open
- Effective
- Shrewd

These corporate values have been used as a basis both for the organisational design and for the selection of the behavioural competencies required of employees.

Context for the Strategy

The Legal Ombudsman has been set up to provide access to redress for the users of legal services. But the legal services market is changing, and changing rapidly. Some of those changes are deliberate: shortly before this strategy takes effect, we shall see licences being granted to the first of the new Alternative Business Structures, bringing legal services out of the niche in which the requirement that reserved legal services were provided only by lawyer-owned organisations had confined them. At the time of writing, neither the number of firms seeking to embrace the new structures nor the detail of the arrangements surrounding their operation are known. However, the change is potentially a profound one and one which will pose some particular challenges to the Legal Ombudsman.

Other changes too arise directly out of Government policy. Changes to the legal aid system, the implications of the Jackson Review, Ministerial decisions about the banning of referral fees – all of these will help to shape the market in different ways. As funding patterns shift as a result of these changes, so the market will reform itself. The Legal Ombudsman needs to be alert to how this will impact on consumers and providers alike, anticipating problems and planning for the new types of service issues which will inevitably arise.

Arguably more profound are the pressures on the legal services market which are not driven directly by Government policy. These come from three directions. First, there is the growing number of individuals and organisations who are beginning to exploit the gaps in regulation of legal services which have resulted from the piecemeal history of legal policy-making. Will-writing, probate, employment and immigration services have all seen the growth of unregulated provision. Claims management, while now regulated by the Ministry of Justice, remains a controversial area. The result is that some consumers come to LeO expecting us to be in a position to respond to their complaints only to learn that the service they purchased was from an unregulated provider. The Legal Services Board and MoJ are alive to these challenges and LeO must be ready to respond to any changes to the regulatory environment they make.

Second, there is growing interest in the legal services market on the part of hitherto separate commercial service providers. Chief among these are financial institutions who see the opportunity to package their traditional offers alongside legal services. Thus, for example, we now have high street banks offering legal services alongside financial services. A significant proportion of probate and estate handling services are now also provided by banks rather than lawyers. Legal services are also being packaged as part of broader insurance services, in a way which has been familiar with car insurance policies. As these offers grow, the distinction between what falls into the territory of financial regulation and redress and what is legal begins to erode, with the consequent risk of overlap and confusion.

Finally, there are a series of challenges which arise out of the increasing use being made by legal service providers of new technology and remote marketing and fulfilment techniques. An increasing proportion of our complainants have accessed legal services through the web. An increasing number of organisations are seeking to make use of the efficiencies offered by new technology to streamline their services. Not only does this make it difficult to apply simple tests of jurisdiction to organisations whose presence is more virtual than geographical. It also erodes the distinction between legal services and legal products: if a will generated by online will-writing software proves defective, does that constitute a service failure or is it merely a defective product?

All these create challenges both to the Legal Ombudsman and the regulators. But they are challenges which go beyond those charged with responsibility for overseeing the legal services market. The moves towards the bundling of professional services, the increasingly opaque and complex structures of delivery, the use of new technology to market and commodify services – all of these are changes which are common across all consumer services and, increasingly, changes which transcend national as well as professional boundaries.

It is because of the increasingly international nature of these phenomena that legislators and regulators across different sectors and different nations are beginning to respond to the issues that they create. In the UK, discussions are taking place between regulators and Ombudsmen schemes about how best to respond. The European Parliament is also beginning to take an interest. If there are moves to remodel the existing patterns of regulation and redress, it will be important that the Legal Ombudsman continues to play its full part in these discussions.

This is not merely so that we can be prepared for what those changes may entail. We also have much to contribute to the debate. Much of policymaking takes place in the abstract, with changes driven as much by theory as by experience. Ombudsman schemes deal in the real life experience of those who provide and receive services. The Legal Ombudsman is expecting to have contact with well over a quarter of a million users of legal services over the lifetime of this strategy. Necessarily, this is a partial group of customers: people do not usually come to an Ombudsman if they are entirely happy with the service they are receiving. Nevertheless, this provides a real bedrock of evidence about what is happening – and particularly what is going wrong – in our sector. Our colleagues in other schemes have a similar evidence base. It is important that we seek to mine this evidence base for information and use that to help shape the response. It is important too that regulators value this evidence and ensure that their regulatory response prioritises changes which will address the consumer issues that we highlight.

But some of the solutions to the problems created by these pressures on the market lie within our own hands. If consumers are confused about which Ombudsman scheme deals with the service they wish to complain about, their position can be eased by Ombudsmen working more closely together to signpost consumers to the right place or pass cases between ourselves. And if there are areas of the legal services market where there are responsible providers whose work currently lies outside our scheme but who want to be in a position to offer their customers access to redress if things go wrong, there is the possibility of the Legal Ombudsman operating a voluntary jurisdiction to run alongside our statutory one. Given the current concerns about the unregulated nature of, for example will-writing, this may be an attractive option. It is certainly an issue which we will need to explore during the lifetime of this strategy.

Consultation question

Q1. Do you agree that these are the broader contextual issues that we need to consider in developing our strategy and business plan? Please give your reasons

Assumptions

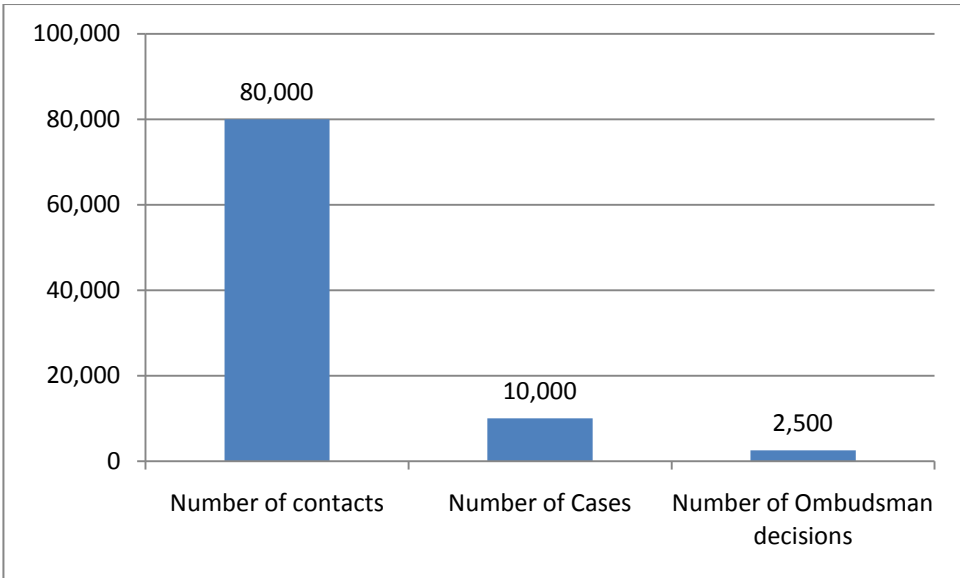
This strategy has been built, like any other, on a set of assumptions about the next three years. For any Ombudsman scheme, the key assumption is always about the level of demand: the number and nature of complaints which will be raised over the next few years. Huge effort is traditionally put into analysing trends over the past few years and modelling how the changes in the sector they shadow. The fact that those efforts rarely produce robust forecasting data is a constant source of frustration.

In the case of the Legal Ombudsman, forecasting is even more difficult. Having been established for only a year, the level of demand on our scheme is yet to settle into an

established pattern; as awareness of us has built over the past 12 months, so has the number of eligible complaints we receive. Since we do not yet understand how many complaints we should be receiving under current market conditions, it is well-nigh impossible to predict what we should prepare for in the future.

It is not only the raw number of complaints which is at issue. It is also how those complaints interact with our business process. When we established our scheme, we had to make some predictions about how the 80-100,000 contacts a year we were expecting would translate to complaints eligible for investigation, and how many of those complaints would in turn be incapable of informal resolution and would require full Ombudsman decisions. Over the first 12 months of the scheme, we have seen the proportions of complaints to us which turn out to be within our jurisdiction varying significantly, and the number of cases requiring Ombudsman decisions increasing markedly. Until these patterns settle into some sort of stability – if indeed they do – we cannot easily predict what our workload will actually be.

We have had around 75,000 contacts during our first full year of operation (since 6 October 2010). Around 7,000 of these contacts have resulted in cases which have been or are currently being investigated. Our experience over the last six months is one of gradual increasing contact volumes, and our expectation for 2012-13 is that contact and case volumes will continue to grow during through the year and will fall within a range of between 76,000 and 83,000 contacts. We have assumed that, given the gradual increase in contact and case volumes that we are accepting that our assumed contact volumes will convert into between 9,000 to 11,000 cases requiring investigation.



We planned and designed our business process to minimise the formality of the complaint resolution process wherever possible. As discussed above have seen that this approach can deliver effective and quick complaint resolution. We have also seen that more complainants and lawyers than we had expected are unwilling or unable to agree informally. We planned based on an (informed) assumption that around 10% of cases would require an Ombudsman’s decision; we are currently seeing between up to 40% of

cases requiring an Ombudsman decision. As a case requiring an Ombudsman's decision is likely to take at least an additional four to six weeks to conclude, this has significantly increased the length of time that, on average, it takes to resolve a case.

Insert business process steps here see page 29 of last years bottom right

Arrows should be changed to say 60-65% Informal resolution and 35%-40% Ombudsman decision

Lose all reference to time to resolve in weeks.

Not only do we not yet know the natural level and distribution of demand, we are as yet unsure about what level of efficiency it is possible to achieve in the handling of that demand. With an entirely new organisation relying on untried processes, newly-created infrastructure and recently arrived staff, our performance during our first year has necessarily been less than we would expect once we have ironed out all the initial teething problems. It is only in October 2011, nearly 12 months after we went live, that we have felt able to set internal performance targets and we will not set public targets until April 2012, at the point at which this strategy becomes real. Given the fact that we are not yet able to be definitive about our efficiency targets, setting a realistic budget within which we will manage the unknown level of demand we will face is necessarily problematic.

However, while we cannot be sure of our natural efficiency level, we are fully aware that there will be continued pressure on us during the next three years to demonstrate that we are working more efficiently. As a public sector organisation that operates at zero cost to the taxpayer, we will not be as directly exposed to the drive to cut public expenditure as our peers. Nevertheless, we recognise that we have a responsibility to demonstrate that we are not placing a disproportionate financial burden on a profession which itself will be grappling with difficult economic issues. We have already attempted to show our commitment to value for money by ensuring that both our set-up and steady-state budgets were within the estimates created in 2005 before the Legal Services Act was passed; not only have we held within those budgets, we have done so despite the inflationary pressures of the past few years. Even within our first year of operation, we have sought only to increase staffing to our agreed capacity once there was a proven case that it was necessary, which at the time of writing may produce an under spend. It is doubtful that such limits on spend can be maintained into the period covered by this strategy. But we recognise that we will continue to need to work within very tight funding.

These then are the difficulties. However, we have had to make some working assumptions behind this strategy. We have therefore assumed that the level of demand that we experience will build slowly over the lifetime of this strategy, with the tightening economic and funding pressures which are affecting the national economy placing a brake on the level of legal transactions but that downward pressure being balanced by a growth in the percentage of transactions producing complaints as consumers press for greater value for their spend and providers seek to find ways of cutting their costs. However, if the changes to the shape of the legal services market prove profound, or if there are any significant changes to our jurisdiction, then we may be required to deal with a significantly increased level of demand.

Given the likely funding limitations, this will be a challenge to us. Nevertheless, we believe that the relatively slow growth we have assumed will, to a significant degree, be managed by improvements in our efficiency. Those improvements, we believe, are likely to come largely within the first 18 months of the period of this strategy. Thereafter, not only will the pace of organisational improvement slow, but we will also be faced with the necessity of beginning to refresh our infrastructure which by that stage will be more than three years old. By that stage, therefore, the budgetary pressures within the organisation may prove more difficult to manage. While holding to very stringent levels of funding might prove an attractive option for the profession, who after all funds the organisation, it is worth remembering that the price for under resourcing the organisation will be paid in the inevitability of the sorts of backlogs and underperformance which have affected other schemes and which brought the predecessor organisations run by the profession into question.

Consultation question

Q2. We have set out our assumptions in planning for the coming three years. Do you have any views that would help us refine or alter our assumptions that would assist with our planning?

Q3. Do you think that the approach to forecasting and ranges of volumes we have anticipated are sound?

Approach to risk management

Our strategy and plan have been developed in the context of our overall approach to risk management, which we have spent time developing to make sure we have in place a rigorous framework for managing risk. In line with good practice, we regularly take time to identify and review risks, and then allocate and rank them to plan our mitigations.

The major risks identified for the coming period are:

- anticipating and responding to broader market and environmental changes;
- the matching of financial and organisational capacity with fluctuations in demand;
- IT infrastructure may not meet developing organisational needs;
- Failure to manage the budget which leads to over-expenditure or management is not in line with public rules, guidelines and expenditure policy;
- poor reputation if we do not live up to our values or objectives;
- data and information management is not robust leading to data security breaches or lack of ability to mine data to feedback from complaints; and
- business continuity and disaster recovery.

Measuring our performance

If we are going to demonstrate our value and deliver to the requirement set out in the Legal Services Act that we exemplify best practice in Ombudsman schemes, we will need to set and keep to challenging but realistic performance targets. These targets will also need to be aligned to the critical objectives of the organisation.

As has been said, over the second half of the financial year 2011-12, we will be tracking against four internal performance objectives. We have agreed with the LSB that the four areas we need to be measured on relate to our timeliness, quality, cost and reputation, as we believe that focusing on these areas should mean that we provide a high quality service to both complainants and lawyers, and will help us achieve the ambitions of the Legal Services Act. One of the key areas for consultation in this draft strategy is whether these are the right areas on which we should focus.

The following represent the KPIs and linked strategic objectives which we propose for the lifetime of this strategy:

Timeliness

Strategic Objective: **Resolve complaints quickly and with minimum formality**

We want to resolve cases as quickly and fairly as possible. We measure the time taken to resolve cases from the point at which consumers contact us with a complaint which we can look into to the point at which we resolve the case. This measure is a more challenging measure than starting the clock from running from the time we accept a complaint. We think it is a fairer reflection of the experience of our customers.

The time it takes to resolve a complaint is also determined to a large extent by the parties to the dispute themselves. If a case can be resolved informally, it tends to take less time than if a lengthier investigation or an Ombudsman's decision is needed.

In order to ensure we are working in the most timely manner we want our employees to be motivated, well-trained and well supported so they are able to deliver an effective, simple process, working together to resolve complaints as quickly and informally as possible. We are currently tracking three target dates for the resolution of complaints: 90, 180 and 365 days. We propose to test whether these represent the key targets for our timeliness KPI and will aim to propose in our published strategy targets for the proportion of our complaints which are resolved by these dates.

Quality

Strategic Objective: **Offer a professional, high quality service that responds to the needs of individual customers leading to fair and proportionate outcomes**

We are committed to improving the quality and consistency of our work. We track against a mix of quality indicators that focus on the accuracy of our work and the quality of customer service provided, including responsiveness and communication. We have put in place a quality assurance framework that specifies and reinforces the quality standards we have set ourselves. It helps us monitor and evaluate our performance, identifying issues where we can improve what we do and how we do it.

Our small quality team are working with assessors, investigators and Ombudsmen to ensure quality of communication, adherence to process and thoroughness in our investigations. We are also committed to providing training to support our employees and so they have the skills they need to provide excellent customer service. We will also

continue to develop our knowledge systems to capture and disseminate the expertise and learning from our collective experience.

Over the final six months of 2011-12, we will be developing numerical performance indicators for quality and tracking our performance against them so that we can propose tested targets for the published strategy.

Cost

Strategic Objective: **Provide a value for money service that uses best practice from other Ombudsman schemes**

We will track the unit cost of our work by reporting the annual cost of the organisation averaged according to the number of cases resolved. To ensure we are delivering a value for money service we will use robust internal processes which are backed up by effective, progressive technology. We will also commit to continually challenging ourselves to work more shrewdly and to continuously drive improvement. Over the lifetime of this strategy, we will need continually to review how we can keep our budgets within the limits agreed, finding ways of adjusting our spend in-year to match variations in demand.

We will be tracking a unit cost measure over the final six months of the 2011-12 financial year in order to propose a unit cost target for the first year of the strategy.

Reputation

Strategic Objective: **Build credibility and openly share best practice with stakeholders**

We have developed a research plan to support this KPI. We have commissioned external, independent measurement of satisfaction levels among our customers (consumers and lawyers) and will also survey satisfaction of stakeholders and awareness on an annual basis. Customer satisfaction surveys will occur on a quarterly basis, giving us a rolling picture of our performance and the opportunity to look into any specific issues that might arise, and react quickly if there is any change we need to make as a result of the findings.

At the time of writing, we have yet to have the first results of our initial stakeholder research. Once we have had the first two quarters results, we will be able to trial a numerical target in this area.

Impact

Strategic Objective: **Seek to promote the regulatory objectives of the Act in such a way as is compatible with our primary role**

We are conscious that while the strategic objectives support our primary role of running an exemplary Ombudsman scheme, we are also charged with the broader responsibility of contributing towards the achievement of the eight regulatory objectives of the Act. We may therefore undertake areas of work which go beyond (but are not incompatible with)

our primary role. Thus, for example, work we may undertake with other Ombudsman schemes and regulators in other sectors to seek to create a more efficient and seamless system of consumers accessing redress would go towards helping to meet the regulatory objectives of protecting and promoting the interests of consumers and improving access to justice. We will report on our work in this area regularly in our Annual Report.

Approach

Each of the five areas described will be tackled across the organisation. Each corporate team will work out how they contribute to the five strategic objectives and will develop appropriate measures. We will work to ensure that there is a 'golden thread' throughout all that we do so that as an organisation we remain focussed on our statutory function and the outcomes we want to achieve.

There will be many things which we will want to measure but we will make an effort to keep them to a minimum manageable number so that we have effective, meaningful achievable targets in place.

Our aspiration is to deliver an excellent Ombudsman scheme, that meets the dual aims of a modern Ombudsman: to resolve complaints fairly and effectively and to share evidence drawn from those experiences to inform policy and standards. We have worked extensively with colleagues at the Legal Services Board to develop a suite of measures that will help us deliver these aims; we do not wish to meet targets for their own sake, but for these KPIs to help us focus on what we need to do to be successful. There is still some further work to be done on this journey to setting clear and simple targets for the Legal Ombudsman, and we will continue to discuss these with our Board, the LSB and other stakeholders, with a view to begin reporting our performance against these from April 2012.

Consultation questions

Q4. Do you agree with the focus of our key performance indicators (KPIs) and strategic objectives? Please give your reasons.

Q5. Is there anything you would add that would assist us sharpen our approach to introducing KPIs and delivering our strategic objectives?

What we are planning to do

Our first year of operation was marked by a deal of feedback and learning; internally we conducted reviews; we knew we wouldn't get everything right from the start. We also sought feedback from our stakeholders, both those who we work closely with, under the formal requirements of the Act, such as Approved Regulators and others such as the Stakeholder Advisory Panel, who offered diverse insight and suggestion. More than anything else, we wanted to demonstrate that we were open to improving our standards, and to the feedback we received, as we hope the profession will be of us when we are able to share evidence from complaints systematically and regularly.

While the next year necessitates a focus on efficiency and simplicity, to drive up our levels of performance, this is in the context of a longer term need to develop what we do in harmony with other Ombudsman schemes and to respond to a changing context. Our Act calls on us to look to good practice in other schemes, and this seems to be a wise call to heed in light of the changing marketplace and regulatory environment and as we look to secure our jurisdictional boundaries so we continue to deliver, over the next three years and beyond, the core objectives behind the Legal Ombudsman, simple principles of access to independent redress for consumers who may not otherwise be able to seek assistance in an increasingly complex professional services market.

The key areas of focus for us over the next three years, seem to fall into some natural themes. We take them in turn here, setting out the specific deliverables we wish to consult on for our 2012-13 Business Plan, along with those longer term activities and outputs that form part of our 2012-2015 strategy.

Operational refinement

We will continue to improve our efficiency over the coming years; our first priority is to improve timeliness, and develop our mechanics that ensure we are able to perform consistently irrespective of fluctuations in demand or alterations in the sorts of complaints that we see. This however does not sit in isolation; our challenge is not to be quick at all costs, but to balance this to also deliver consistency in terms of quality and continue to refine our approach from feedback, once we have implemented a suite of tools to gauge our reputation from users and stakeholders. As indicated previously, we have not yet ascertained what is a 'normal' level of demand, an ongoing project as we monitor changes in the marketplace as well as see the impact of the developing economic climate on behaviour of consumers and professionals alike. Our longer term vision is to have in place a suite of mechanisms that allow us to respond effectively to changes in demand, irrespective of whether these are peaks or troughs in the levels of complaints.

Along with resolving individual complaints, the Legal Ombudsman scheme has the secondary purpose of contributing to debates where we have evidence about the wider implications of trends in complaints as well as to assist the improvement of legal services by feeding back to the profession the common causes of customer service failures and suggesting areas for improvement in legal practice. We will ensure that our approach to this is underpinned by a comprehensive research strategy, to ensure what we say is based on evidence and tailored to specific and meaningful issues, some of which will be driven by external factors and others by successfully examining our data about complaints and spotting trends.

	Activities and deliverables
Year One 2012-2013	<ul style="list-style-type: none"> • Undertake rolling cycle of internal review to improve performance • Development and further integration of IT systems to support delivery (e.g. case management and telephony) • Further refine business process • Formalise external feedback mechanisms and link to internal improvement

	<ul style="list-style-type: none"> • Roll out targets for finalised KPIs and drive performance management • Refine quality framework and embed right first time culture • Deliver research programme to support reputation KPI (including customer satisfaction, stakeholder and awareness surveys/ reports) • Analysis of demand projections across the business process • Implement changes from learning from judicial reviews
<p>Years 2 and 3 2013-2015</p>	<ul style="list-style-type: none"> • Conduct analysis on inputs and outcomes to ensure a fair and proportionate system of redress is in place • Develop a high performance culture and promote effective management • Work closely with other Ombudsman schemes to articulate what good looks like • Increase feedback to stakeholders on performance reporting • Respond to findings from reputation measurement • Become experts in the skills required to reach informal resolution • Conduct ongoing and periodic reviews of our business process to ensure we are continually challenging and improving the way we work • Enhance quality measures, continue to embed processes and build a right first time culture

Deliver outstanding elements of set-up

While the Legal Ombudsman has been operational for a year or more at the time of this consultation, there remains the need to complete our set up in relation to some specific, longer term, elements. Our IT infrastructure needs developing; our aspiration is for a cutting edge suite of integrated IT that supports effective, modern, complaints resolution, including dynamic tools around which we can grow as a learning organisation. This was always going to take time, and the advantages of having now some operational experience means we are able to refine as we put in place the final aspects of this technological platform. This is also coupled with a need to finalise our processes, for instance in relation to knowledge management, so we are able to capture our growing expertise and ensure this is augmented from external sources so we are confident we stay current and expert in those areas needed to support effective resolution of the full gamut of legal complaints.

Since opening we have also been often asked to report on trends from complaints. For much of the time since we started, it has been too soon to report on any trends, apart from the balder facts of complaints, that good communication is key to preventing or resolving issues as they arise. Complaints however remain the source of great intelligence and evidence, and it is part of the role of an Ombudsman to share the learning from complaints

to the profession to help improve standards. And in this changing legal and consumer landscape we also want to be able to share evidence with others such as regulators to inform their approaches and help regulation innovate to keep pace with market changes. To do this, we will enhance our research function, so we can reliably mine our data and present this in useful and accessible ways to our stakeholders. We will also focus on ensuring that useful feedback and learning takes place around the causes of legal complaints, using events to both disseminate and gather knowledge about how this can best be shared. This will include suggesting improvements in customer care and reinforcing our purpose – engaging with our stakeholders in this way will help us define what a successful, modern Ombudsman scheme looks like. There may also be opportunities for us to work with some of our key stakeholders who are also keen to improve complaints handling. Where these opportunities arise we will be happy to explore them.

	Activities and deliverables
Business Plan 2012-2013	<ul style="list-style-type: none"> • Refine methods of customer contact and information through a review of the website • Enhance accessibility of service in line with equality priorities • Embed equality and diversity as part of culture • Enhance policy and research function and deliver research programme to mine data to share trends and learning from complaints • Publish thematic reports to assist profession raise standards • Embed knowledge management processes and ensure knowledge supports operational requirements • Provide feedback to the profession, tailored to share the expertise of the Ombudsman, in different formats e.g. seminars
Years 2 and 3 2013-2015	<ul style="list-style-type: none"> • Support an integrated, up-to-date responsive knowledge management system that supports a culture of learning • Develop a programme of feedback to the profession, tailored to changing need over time • IT capacity supports remote and flexible working

Refresh and revise infrastructure

In addition to finishing our set up, we must also begin to plan for the future, to ensure our infrastructure is fit for purpose over time. Our IT contracts will come to an end during the lifetime of this strategy, and we are required to plan now to ensure due diligence in the procurement of systems and to ensure that there is no gap in delivery of our front line service.

In relation to the core of the Ombudsman, our scheme rules, these were written in the very early days of the set up of the Ombudsman. At the time, we committed to a review of this

framework within two years of our launch. We will use our first period of operation to inform a fresh consultation on the rules, looking at issues that have been raised from our own experience of using them day to day, or by stakeholders who have told us that they feel the initial design did not take into account specific circumstances or the impact on people in certain situations adequately. This review will also include a close look at the case fee arrangements, an area where evidence of our first period will prove invaluable in looking again at how this complex part of our funding arrangements should operate both in the interests of the stability of the scheme as well as for the profession as a whole.

Similarly to the review of the scheme rules, we will also want to review a number of the elements of the scheme in the light of our experience of this first period of operation. Having taken as our starting point a set of assumptions, some very different from those that we made before our launch, it is timely to re-look at aspects of our organisational structure and how we run the scheme to ensure what we have in place will serve us into the longer term.

	Activities and deliverables
Year 1 2012-2013	<ul style="list-style-type: none"> • Review scheme rules including case fee • Undertake review of third party solution providers including IT • Disaster recovery – review existing measures
Years 2 and 3 2013-2015	<ul style="list-style-type: none"> • IT enhancement to ensure an increasingly robust platform and infrastructure to support the business process and ensure accessibility through online technology • Undertake rigorous policy and research work to ensure the organisation remains ‘cutting edge’ with regards to best practice

People

One of the major challenges we faced as an organisation was to recruit and train the 300 people that we need to deliver the services of the Legal Ombudsman. Much of our early success was due to our recruitment and induction programmes, which helped us recruit high calibre people so we could deploy a full trained and motivated new team. With this strong basis now in place, it is the performance of these people that will ensure we deliver positive outcomes for our stakeholders.

We want to provide a positive employment environment as we continue our journey to make sure we become an “employer of choice”. Part of this will be to continue to respond to our changing external environment so we continue to be able to attract, develop and retain the very best workforce that is truly representative of our local community.

We recognise that the skills people bring with them and acquire at induction will not necessarily be the skills we require in the future. We intend to deliver a comprehensive programme of training and development to improve individual and team skills, knowledge and competency overall and to increase the performance of the organisation. We want to

support people from the moment they join us to when they leave and will put in place better tracking of our processes so we continue to refine and develop our approach.

	Activities and deliverables
Year 1 2012-2013	<ul style="list-style-type: none"> • Roll out increased part time, remote and flexible working • Review / benchmark roles and salaries • Review approach to reward and recognition • Leadership and management development • Enhance framework for employee engagement • Drive learning and development and coordination with knowledge • Review approach to attracting and recruiting staff in light of changing organisational needs and equality priorities
Years 2 and 3 2013-2015	<ul style="list-style-type: none"> • Review organisational structure • Refine HR strategy

Finance

We are still unsure of the patterns we are seeing in relation to complaints; it is only as we develop a bank of historic data about what happens and when, seasonally as well as over the longer term, that we are able to test the existing model when it comes to our finances. It remains to be seen as to what might be the extent of issues such as unpaid case fees or how the existing arrangements will respond to in year fluctuations of demand, especially if we see a scenario that places stringent demands on our ability to match serious fluctuations in complaint volumes.

We are committed to value for money in running the Ombudsman scheme, and to be open and transparent in our approach to managing the scheme. This requires access to capital to assist us plan and will also see us remain mindful – and responsive – to ensure that our unit costs are reflective of the contribution the Ombudsman makes to the sector and profession. This will also assist our ability to plan for the future; if we are to face the possibility of new jurisdictions, we must account for these so as to ensure there is no additional cost to our existing jurisdictions and that, wherever possible, we are able to leverage wider efficiencies from any change to the shape of the scheme.

	Activities and deliverables
Year One 2012-2013	<ul style="list-style-type: none"> • Consult on the operation of case fee • Prepare for MoJ review • Regularly bench mark and measure the service we provide • Model funding mechanisms for voluntary jurisdiction
Years 2 and 3 2012-2015	<ul style="list-style-type: none"> • Improve unit costs and ensure cost efficient procurement services are in place • Benchmark results against other services and against year on year statistics • Review funding mechanisms to ensure fit-for-

Raising awareness and sharing evidence from complaints

We will continue to work closely with the Legal Services Board, both in accordance with our formal relationship under the Legal Services Act, and also to ensure that regulation and redress continue to work in tandem. The LSB are faced with their own unique challenges, grappling with the role of regulation within a fast paced and dynamic market. The relationship between the LSB and the independent Legal Ombudsman will need to be defined and re-defined through this period of change. Similarly, our relationship with our sponsor department will also change over time, both as we approach our steady state and also in response to the changes in the structure of the MoJ that will come about before this plan takes full effect.

Along with our formal governance relationships, the Legal Ombudsman has a broad range of external stakeholders encompassing regulators, other Ombudsmen and complaint handling bodies, professional associations, lawyers themselves, as well as consumer groups and charities. For a full picture of our stakeholder map please see Appendix 2.

All of these are key relationships for us to manage especially given the complexity and level of change in our external environment. We want to make sure the changing legal services market is aware of Legal Ombudsman and of the implications of our work, both so we remain relevant and fit for purpose and also to ensure that consumers are aware of how to access redress and have confidence in our abilities, whether it is to resolve a complaint, enforce a decision or in our ability to speak with authority on important issues that may impact on how well the justice system or redress works. To help us achieve this, we will seek consumer feedback about our service and also how we communicate.

We depend upon the approved regulators for information about individuals and firms within their ambit, for example, and the regulators depend upon us in turn to provide them with information about allegations of misconduct among the people they regulate. We have negotiated Memoranda of Understanding with many of the key stakeholders and continue to work closely with these key partners as we are committed to making sure these vital flows of information, including about conduct referrals, work as smoothly as possible. We stay keen to receive feedback here and find out how well the system is working.

We will also continue to widen and deepen our relationships with consumer bodies and the advice sector. We depend on them to inform potential complainants of our existence and they depend on us, in turn, for feedback about our findings. Since our launch we have made considerable efforts to ensure that people knew that the service was in existence, what the service offered, who could use it and when. Now we have more insight into who is and who is not using the Ombudsman, we want to begin to tailor our communications, so they are targeted to assist the people come to us when we can assist them resolve a complaint within our jurisdiction. As with other Ombudsman services, there is a careful balance to strike between making sure those who wish to use our services are aware of our existence and not advertising our presence to the point that we generate complaints that would not otherwise be made.

Part of the role of Ombudsman schemes is to share evidence from complaints to drive up standards and share best practice. We will mine our data and develop a programme of research to share lessons from complaints to improve standards across the profession, for instance to measure our impact on good practice by the first tier and on prevention of complaints and by producing thematic reports. Where we can, we will seek to collaborate with key stakeholders, so that the research is broad-based, relevant and focused on practical ways to improve confidence in the profession.

Our communications strategy for this year will also focus on how we can support simpler and more effective resolution of complaints, enhancing our website so it is more of a tool for our users (both consumers and lawyers) to help understand our approach and processes, facilitate individual cases, and promote self service and provide feedback to the profession and individual consumers to assist to prevent complaints arising in the first instance. We will also develop our facility to work with the media, including social media, to share lessons from complaints and evidence and trends that we find, to allow policy makers and others to draw on our expertise and raise awareness of key findings.

	Activities and deliverables
Business Plan 2012-2013	<ul style="list-style-type: none"> • Develop communications approach to include targeted awareness raising including consumer testing in line with good practice and equality priorities • Promote feedback to profession to improve standards • Increase stakeholder engagement including with the profession and consumer/ advice sector • Develop facility to raise awareness/ communicate using media and social media • Seek consumer feedback • Monitor information exchange via MoUs and respond to issues if they arise • Commission research including highlight barriers/ good practice in the first tier and to share ways to prevent complaints
Strategy 2012-2015	<ul style="list-style-type: none"> • Enhance our website to allow us to share information with key stakeholders such as regulators more effectively • Maximise our communications strategy to support the objectives of the Ombudsman

Jurisdictional boundaries

The Legal Services Act 2007 provided us with some options to respond to the changing pressure of the market. For some aspects, such as consumer confusion about redress, these options are likely not to be required, as these are likely to be eased (though, given some of the complexities, they are unlikely to be solved) by Ombudsmen working more closely together to signpost consumers to the right place or pass cases between them.

The Act anticipated some changes, and, if there are areas of the legal services market where there are responsible providers whose work currently lies outside our scheme but who want to be in a position to offer their customers access to redress if things go wrong, there is the possibility of operating a voluntary jurisdiction to run alongside our statutory one. Given the current concerns about the unregulated nature of, for example will-writing, this appears to be a superficially attractive option. It is certainly an issue which we will need to explore during the lifetime of this strategy not least to ascertain where the natural boundary of our jurisdiction lies and also if we are to anticipate a greater joining up of redress as part of a broader approach to consumer protection.

	Activities and deliverables
Year 1 2012-2013	<ul style="list-style-type: none"> • Prepare for Alternative Business Structures (ABS) and any other jurisdictional requirements • Research into impact of changing external environment on ability to provide redress • Manage outcome of ABS • Develop approach to voluntary jurisdiction
Years 2 and 3 2012-2015	<ul style="list-style-type: none"> • Work with Ombudsman schemes and relevant stakeholders to ensure joined up redress • Publish research, feedback evidence from complaints and influence the wider policy debate by mining data to inform regulators and policymakers • Engage in and respond to changes in the business market • Review jurisdictional limits in response to changes in the external market and recommend any changes

Consultation question

Q6. Do you have any comments on what we are planning to do? Do you think we have placed our emphasis correctly in looking at 2012-2013 and the subsequent two years of the strategy? Have we missed anything?

Required resources for 2012-2013

The planned human resources for 2012-13 are provided below. This represents the planned establishment based on current levels of activity and efficiency.

Department	Full time staff equivalents
Assessment centre	47
Resolution centre	195
Operational management	8
Ombudsman	7
Business services	27
Support services	25
Total	312

Summary budget for 2012-13

Since October 2010 when we started handling complaints, and throughout 2011-12, we have continued to develop the organisation to match the capacity of our investigation team with demand. This prudent approach to committing resources has allowed us to manage the cost of the organisation effectively during our start up year, and as a result we expect to be under budget for 2011-12.

As we plan for 2012-13 we start with a larger and established organisation than in April 2011 and one which has an established workload of cases under investigation. Despite this, and inflationary pressures, we anticipate no increase to our budget in 2012-13.

	2012-13
Income	£'000
Levy	19322
Case Fees	225
Total	19547
Expenditure	0
Staffing	13663
Travel & Subsistence	53
Fees & support	724
Research & Communication	231
IT & telecoms	1122
premises & Facilities	1728
Depreciation	2027
Total costs	19547
Net Expenditure	0

Capital Budget

IT & Facilities	989
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After a year of actual activity we have been able to model in more detail the extent to which complaints generate case fee income. This modelling is based on the profile and frequency of complaints about individual law firms and our scheme rules which allows for two potentially chargeable complaints per law firm per financial year before a case fee is charged. As a result of this modelling, backed up by our experience to date, we have significantly reduced our budgeted income from case fees in 2012-13. As a result budgeted levy income is correspondingly increased.

We have planned, as part of the key activities for 2012-2013 a consultation and review of the case fee structure.

Consultation question

Q7. Do you agree with our approach to setting our budget for 2012-2013?

Further information

This Strategy and Business Plan is aligned with our performance indicators and projected spend. Other key documents include the Annual Report, Management Statement and Financial Memorandum and a clear governance framework. To view these documents or for further information visit www.legalombudsman.org.uk.

Consultation question

Q8. Are there any other points or issues you wish to raise in relation to this strategy and business plan? Do you think we have missed anything? Is there anything you disagree with? Please give your reasons.

How to respond

We would like to hear what you think about our proposed strategy for 2012-2015 and business plan for 2012-2013. We will hold some discussion sessions during our consultation period; we would also value written responses. If you would like to respond, our contact details are below.

If possible, please send your responses electronically, but hard copy responses by post are also welcome. The deadline for receiving responses is 18 January 2012.

Email: consultations@legalombudsman.org.uk

Post: Janet Edwards
Legal Ombudsman

PO Box 15871 Is this the right address now PO Boxes have changed? Dan can you amend?
Birmingham
B30 9ED

We will publish all responses we receive in relation to this consultation draft of the strategy and business plan. Unless you tell us you do not want your views published, we will assume you are happy for us to do so. We will discuss with you any concerns you have about publishing your response and are happy to be flexible in individual cases.

We are also keen to discuss the issues we have raised in this paper in other ways. We would welcome opportunities to meet people and organisations who are interested in the idea of publishing decisions, and we will be holding discussion sessions during the coming months.

Timeline

We are working to the following timetable:

Timeline	Engagement
October 2011	Publication of discussion paper.
November and December 2011	Meetings with stakeholders and consultation sessions to refine our approach. Consultation responses published as received.
18 January 2012	Deadline for responses to the discussion paper.
March 2012	Publish revised strategy and business plan.

Summary of consultation questions

Q1. Do you agree with our reading of the external environment? Are these are the broader contextual issues that we need to consider in developing our strategy and business plan? Please give your reasons.

Q2. We have set out our assumptions in planning for the coming three years. Do you have any views or other information that would help us refine or alter our assumptions that would assist with our planning?

Q3. Do you think that the approach to forecasting and ranges of volumes we have anticipated are sound?

Q4. Do you agree with the focus of our key performance indicators (KPIs) and strategic objectives? Please give your reasons.

Q5. Is there anything you would add that would assist us sharpen our approach to introducing KPIs and delivering our strategic objectives?

Q6. Do you have any comments on what we are planning to do? Do you think we have placed our emphasis correctly in looking at 2012-2013 and the subsequent two years of the strategy? Have we missed anything?

Q7. Do you agree with our approach to setting our budget for 2012-2013?

Q8. Are there any other points or issues you wish to raise in relation to this strategy and business plan? Do you think we have missed anything? Is there anything you disagree with? Please give your reasons.

Appendix 1: Stakeholder Map

Use same as last year please.