

15 October 2009

By email

consultations@legalservicesboard.org.uk

For the attention of Mahtab Grant
Legal Services Board

Dear Sirs

Designating new Approved Regulators and approving rule changes

The Legal Complaints Service (LCS) welcomes the opportunity to review and comment on the proposals in this consultation.

As the current complaint-handling body for the solicitors' profession in England and Wales, the core issues of concern to the LCS are: -

- ensuring that regulatory objectives are upheld;
- high standards for the profession are secured; and
- that consumers receive good service.

We are committed to working closely with regulatory bodies to ensure that the new framework for regulation and complaint-handling will provide clarity and consistency for those consumers of legal services who might seek redress for poor service.

We are pleased to note that your draft rules are clearly principles-based, and that you aim to be strategic in your consideration of any applications to designate new Approved Regulators or for approval of new rules. Supporting that strategic approach, we also note that applicants will be expected to provide evidence of consultation with stakeholders:

- with other Approved Regulators and the Office for Legal Complaints (OLC) on matters such as the code of conduct where there is likely to be interaction between the applicant and the existing Approved Regulators (designating new Approved Regulators, draft Rule 10).
- with other Approved Regulators if the application affects areas regulated by those other Regulators (rule change applications, Draft Rule 13).

We suggest that you should require applicants to consider whether it is appropriate to consult the OLC generally in both types of application, and to either provide evidence of having done so



(including the OLC's response) or an explanation indicating why such consultation is not necessary. From our experience, we have been able to bring to both informal and formal discussions with the Solicitors Regulation Authority from time to time knowledge of issues such as: -

- trends in the quality of legal services, as evidenced by current complaints (being aware of both good and bad practice);
- complaint-handling procedures followed by service providers (again, both good and bad practice); and
- the impact of poor quality of service on consumers.

By way of example, in the last three years, we have had a constructive and productive dialogue with the SRA about the contents of the guidance that supports Rule 2 (Client Care) of the Solicitors' Code of Conduct. While we were not involved in the drafting of Rule 2, our experience of the working of the Rule in practice suggests that we could have contributed useful suggestions and evidence to inform drafting. Our knowledge of the impact of both good and bad practice in client care and complaint handling has enabled us to comment on proposed changes, and to suggest changes, to guidance that we believe will support good client care and address issues of potential consumer detriment.

We would be happy to discuss this with you in more detail, as this and other practical examples from our experience can illustrate the benefits of consultation of this type to the Regulator, and ultimately to consumers and legal professionals.

We suggest that these changes would support partnership and cooperative working between the Approved Regulators and the OLC, and ensure robust and beneficial exploration of issues that will help Applicants to ensure that their proposals support the Regulatory Objectives set out in the Legal Services Act

We hope to have an opportunity to explore this topic with you further. Tim Miller of this office (Tim.Miller@legalcomplaints.org.uk 01926 822118) would be glad to help you.

Yours faithfully

Deborah Evans
Chief Executive
Legal Complaints Service