

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

By email: consultations@legalombudsman.org.uk.

Date: 17/12/24

Bar Standards Board response to the Office for Legal Complaints consultation on the Legal Ombudsman's 2025/2026 Business Plan and Budget

Strategic objective and aims for LeO's service

Question 1. Do you support the OLC's draft 2025/26 business plan to deliver this objective?

1. The BSB supports LeO's proposed activities to further improve its service oriented strategic objective and aims. It is important that consumers get access to timely complaints resolution, which these activities are seeking to achieve.
2. We are particularly interested in activities that will provide greater insights into consumers and their experiences in how their complaints are handled. These include activities that seek to identify and address barriers to making complaints to legal service providers and to LeO itself, and how consumers' backgrounds and social circumstances influence the standard of service they receive. We would welcome LeO sharing any intelligence gained from this work.

Question 2. Do you support LeO's assessment of the need to invest in resource – and the balance of investment across improving customers' experience, helping the sector prevent demand at source, and being able to realise the benefits of technology?

3. The BSB supports LeO's assessment. We welcome LeO's proposed activities on how technology can improve LeO's service for consumers, and in seeking to introduce new and innovative ways to improve the efficiencies of its processes.

Strategic objective and aims for LeO's impact in 2025/26

Question 3. Do you support the OLC's draft business plan to deliver this objective in 2025/26? What opportunities are there for collaboration to drive higher standards and better outcomes?

4. The BSB is supportive of LeO's planned activities to further its impact. We already collaborate with LeO in several areas; for instance, there is close regular interaction between our contact and assessment team and LeO's teams.
5. There are several more areas in which we would like to collaborate. The most pressing being our work to enable republishing LeO upheld complaints about barristers on the BSB barristers' register, part of our work to meet the Legal Service Board's expectation that we increase the

information available to consumers, as set out in our response to the Legal Service Board's empowering consumers policy statement.¹

6. We are also implementing LSB's new first-tier complaints requirements and expectations in the policy statement. We welcome the opportunity to work closely with LeO on delivering these new requirements to improve consumers' access to and experience of using complaints processes for legal services.

Question 4. Is there anything on the horizon that could influence demand for LeO's service? How could this demand be prevented at source through collaboration or targeted intervention?

7. Once implemented, we expect the Legal Services Board's new first-tier complaints requirements, guidance and policy statement to raise LeO's profile with the public, which could influence demand for LeO's services.

8. To mitigate this, we intend to work with LeO to encourage the Bar to adopt best practice for complaints handling, referencing insights and expertise from our and LeO's work. We anticipate that this approach will reduce the overall numbers of second-tier complaints made to LeO, and especially those that could have better been addressed at an early stage.

Question 5. Do you agree LeO should progress plans as outlined to publish its Ombudsman decisions in full within the life of the 2024-27 strategy? What are your wider views on decision transparency, including the use of summaries, and LeO's transparency more generally?

9. The BSB welcomes LeO's plans to consider enhancing the transparency of its decisions. Doing so is likely to ensure consumers better understand LeO's decision making processes. We believe this may benefit consumers more widely, by improving confidence in how legal service providers handle and treat consumer complaints. We look forward to seeing this set out more fully in the enhanced publication proposals.

10. We currently receive second-tier complaints data from LeO, which assists our monitoring and supervision activities, and further detail would be beneficial to delivering our regulatory activities and meeting LSB requirements.

11. This information may also be useful for legal services providers, enabling them to review and learn from LeO decisions, and providing guidance to help them to improve their standards and complaints handling processes.

12. As enhanced decisions information is likely to be useful for consumers, we would welcome further collaboration and engagement with LeO on how we can improve consumer access to this information, e.g., creating direct links to the LeO webpages hosting specific records/decisions relating to barristers, perhaps via individual barrister entries in the BSB barristers' register.

2025/26 budget

Question 6. Do you support the proposed 2025/26 budget for LeO?

13. We agree that LeO should be appropriately funded to deliver its services, although the BSB has no comment on the details of the proposed budget.

¹ Available here: <https://www.barstandardsboard.org.uk/resources/the-bsb-s-compliance-with-the-lsb-s-statement-of-policy-on-empowering-consumers.html#:~:text=The%20LSB's%20Statement%20is%20designed,aims%2C%20as%20set%20out%20in>

Question 7. Do you agree LeO should increase its case fee to £800 as soon as possible?

What wider changes should LeO consider for the level and/or structure of its case fee?

14. The BSB has no comment on this proposal, although we would suggest an impact analysis is carried out as LeO develops further options.

Other feedback

15. We have no further comments.