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Sent by email:

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Date 22 December 2010	Email	david.stallibrass@oft.gsi.gov.uk

Dear Pippa,

Legal Ombudsman consultation: Publishing our decisions

Thank you for providing us with the opportunity to respond to your consultation. The OFT, whilst not best placed to express detailed views on all the points raised, would like to respond on the recommendation that complaints data which identifies lawyers and legal firms by name, be published.

The OFT has had an interest in legal services reform since our 2001 report on Competition in the Professions.¹ Our focus is on ensuring markets are competitive and work well for consumers. In addition to our normal powers, we have particular responsibilities under the Legal Services Act 2007 including: being consulted on rule changes by approved regulators where the Legal Services Board sees fit; being consulted on approval of new regulators; and having investigatory powers if we are of the opinion that the regulatory arrangements of an approved regulator are, or are likely to, significantly restrict, distort or prevent competition.²

¹ www.oft.gov.uk/shared_oft/reports/professional_bodies/oft328.pdf

² Legal Services Act 2007: sch 10, 9, 4; sch 57.



Complimentary to fulfilling this statutory role, the OFT's principle interest in the legal services market is promoting consumer choice and robust competition between legal service providers for the benefit of consumers. In this regard, the recommendation to publish complaints data by the Legal Ombudsman could be an important step to improving consumers' ability to make informed choices based on the performance of legal service providers. Furthermore, the publishing of complaints data could incentivise legal service providers, due to reputational considerations, to maintain and/or improve the quality of service they provide to consumers. While there may be concerns that mendacious complaints will be grouped together with genuine grievances, it could be offset by also publishing information about what happens to complaints after they have been made (resolved outside of tribunal process, or what the ruling of the Ombudsman is). In any case, we would wish to see firm evidence supporting the theory that any detrimental effects were sufficiently severe to justify withholding information helpful to consumer choice.

The OFT would recommend the data be presented in a format that facilitates making comparisons, based on performance, between different legal service providers. This may require coding complaints by both the provider of the legal service, and also the broad type of legal service provided. In addition, the OFT would support disaggregated data being provided in a standard electronic format from a static web location such that third parties could reliably link to and re-present the data in whatever ways they think will most benefit consumers.

If you would like to discuss any of the points raised further, please let me know.

Yours sincerely

David Stallibrass
Director, Services.