

**2010 Performance Update  
Legal Complaints Service**

February 2010



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## Summary of Performance Against Planned Objectives

### Getting the Right Answer

**Q1:** We will achieve a fair outcome and service standard, without significant failings, in at least 90% of cases closed

For the 2010 objective there will be a one off audit taking place in Quarter 2 2010. The score from this audit will provide the measurement against this objective.

### Doing it Quickly

**T3:** We will investigate and resolve at least 60% of cases within 3 months of receipt

This Month	YTD	Plan	Variance	Being Met?
75%	72%	60%	12%	✓

**T6:** We will investigate and resolve at least 80% of cases within 6 months of receipt

This Month	YTD	Plan	Variance	Being Met?
89%	90%	80%	10%	✓

**T12:** We will investigate and resolve 99% of cases within 12 months, apart from in exceptional circumstances

This Month	YTD	Plan	Variance	Being Met?
99.8%	99.9%	99.0%	0.9%	✓

### Informing the Customer

**S1:** We will ensure at least 80% of our customers are satisfied with our service

This Month	YTD	Plan	Variance	Being Met?
88%	89%	80%	9%	✓

### Providing Value for Money

**C1:** We will continue to significantly reduce the LCS cost of our service, in real terms

This Month *	YTD *	YTD Plan *	Variance *	Being Met?
£1,199	£2,421	£2,625	-£203	✓

\* Figures shown in £1,000's

### Preparation for Handover & Closure

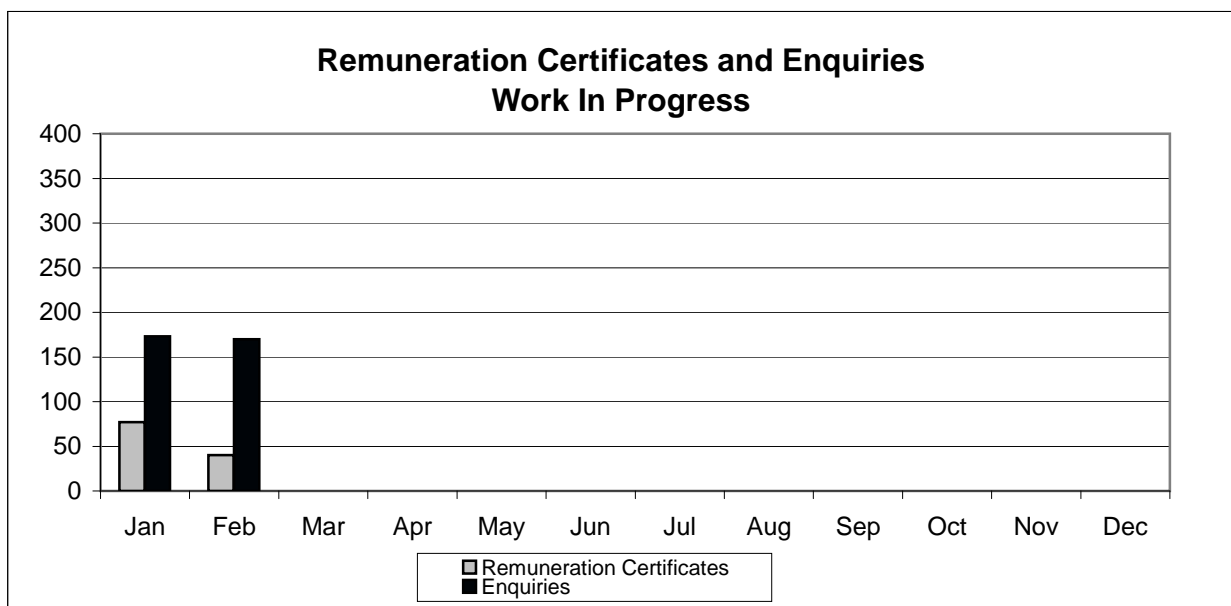
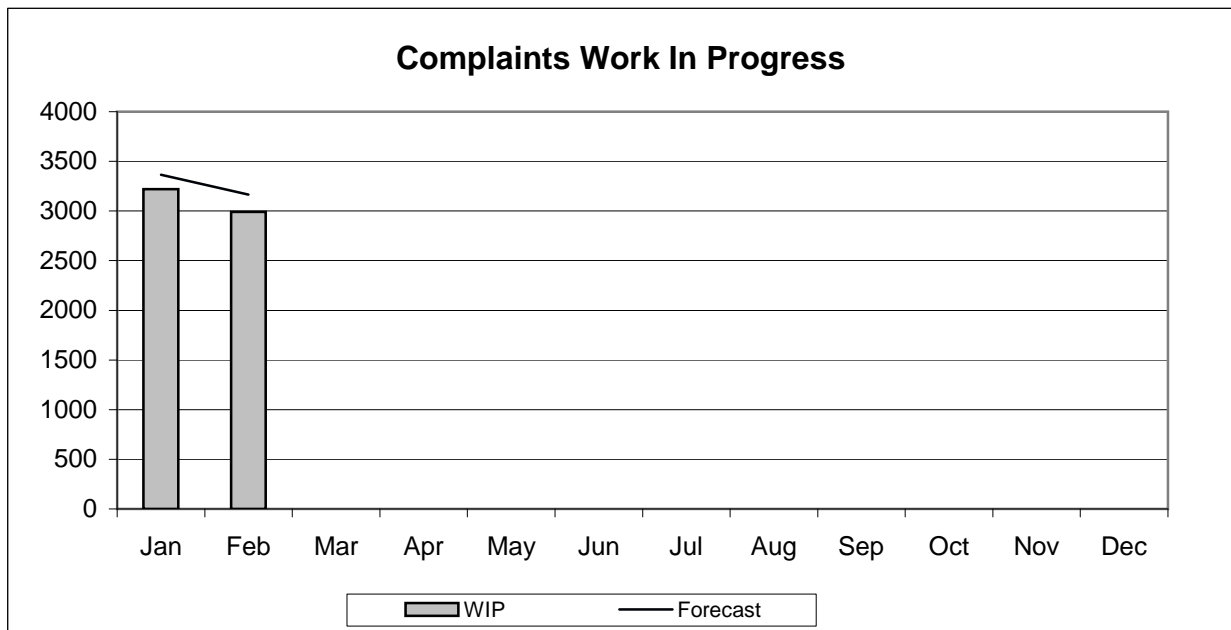
**H1:** Optimise total number of cases in progress (Caseload)

Month End	YTD Plan	Variance	Being Met?
2991	3244	-253 (-8%)	X

## Summary Throughput

Throughput	WIP Brought Forward	Cases Received	Cases Closed	WIP Carried Forward	WIP Movement
<b>Complaints</b>	3219	1170	1398	<b>2991</b>	-228
<b>Remuneration Certificates</b>	77	3	40	<b>40</b>	-37
<b>All Enquiries</b>	173	349	352	<b>170</b>	-3
<b>Total</b>	<b>3469</b>	<b>1522</b>	<b>1790</b>	<b>3201</b>	<b>-268</b>

These figures include receipts and reopens for all complaints.



## General Throughput Performance Against Forecast 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Forecast Receipts</b>	1024	1000	1134	1132	1043	1049	1206	1061	1030	758	509	429	<b>2024</b>
<b>Actual Receipts</b>	1189	1086											<b>2275</b>
<b>Variance</b>	165	86											<b>251</b>
<b>% Variance</b>	<b>16%</b>	<b>9%</b>											<b>12%</b>
<b>Forecast In House Closures*</b>	936	933	1087	1059	1007	1158	922	653	761	753	756	632	<b>1869</b>
<b>Forecast Outsource Closures*</b>	200	200	200	200	250	250	300	300	350	350	400	400	<b>400</b>
<b>Total Closure Forecast</b>	<b>1136</b>	<b>1133</b>	<b>1287</b>	<b>1259</b>	<b>1257</b>	<b>1408</b>	<b>1222</b>	<b>953</b>	<b>1111</b>	<b>1103</b>	<b>1156</b>	<b>1032</b>	<b>2269</b>
<b>Actual In House Closures</b>	1119	1040											<b>2159</b>
<b>Actual Outsource Closures</b>	123	150											<b>273</b>
<b>Total Actual Closures</b>	<b>1242</b>	<b>1190</b>											<b>2432</b>
<b>Variance</b>	106	57											<b>163</b>
<b>% Variance</b>	<b>9%</b>	<b>5%</b>											<b>7%</b>
<b>Forecast WIP</b>	2815	2696											
<b>Actual WIP</b>	2829	2725											
<b>Variance</b>	14	29											
<b>% Variance</b>	<b>0%</b>	<b>1%</b>											

This includes complaints kept open to pursue recovery of redress from insurance companies, but excludes coal health complaints.

\* Please note that the forecast closures may alter month on month as our closure capacity will alter dependant on the caseworking staff we have available to close files - this may also impact on outsourced files and therefore the outsource closures.

## Coal Health Throughput Performance Against Forecast 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Forecast Receipts</b>	122	145	181	214	146	136	176	174	181	88	55	76	<b>267</b>
<b>Actual Receipts</b>	70	84											<b>154</b>
<b>Variance</b>	-52	-61											<b>-113</b>
<b>% Variance</b>	<b>-43%</b>	<b>-42%</b>											<b>-42%</b>
<b>Forecast Closures</b>	96	66	72	70	57	62	63	50	59	59	49	42	<b>162</b>
<b>Actual Closures</b>	248	208											<b>456</b>
<b>Variance</b>	152	142											<b>294</b>
<b>% Variance</b>	<b>158%</b>	<b>215%</b>											<b>181%</b>
<b>Forecast WIP</b>	532	468											
<b>Actual WIP</b>	390	266											
<b>Variance</b>	-142	-202											
<b>% Variance</b>	<b>-27%</b>	<b>-43%</b>											

### Receipts

Over the past year 7 firms have written out (including Raleys). This has a huge impact on our receipts as any matters coming in after the agreement is put in place is created as an ENQ matter which is not included in the receipts figure.

### Closures

The high number of closures is due the high number of matters where there has been no deduction. These close much quicker as all that is needed from the solicitor is a copy of the client account.

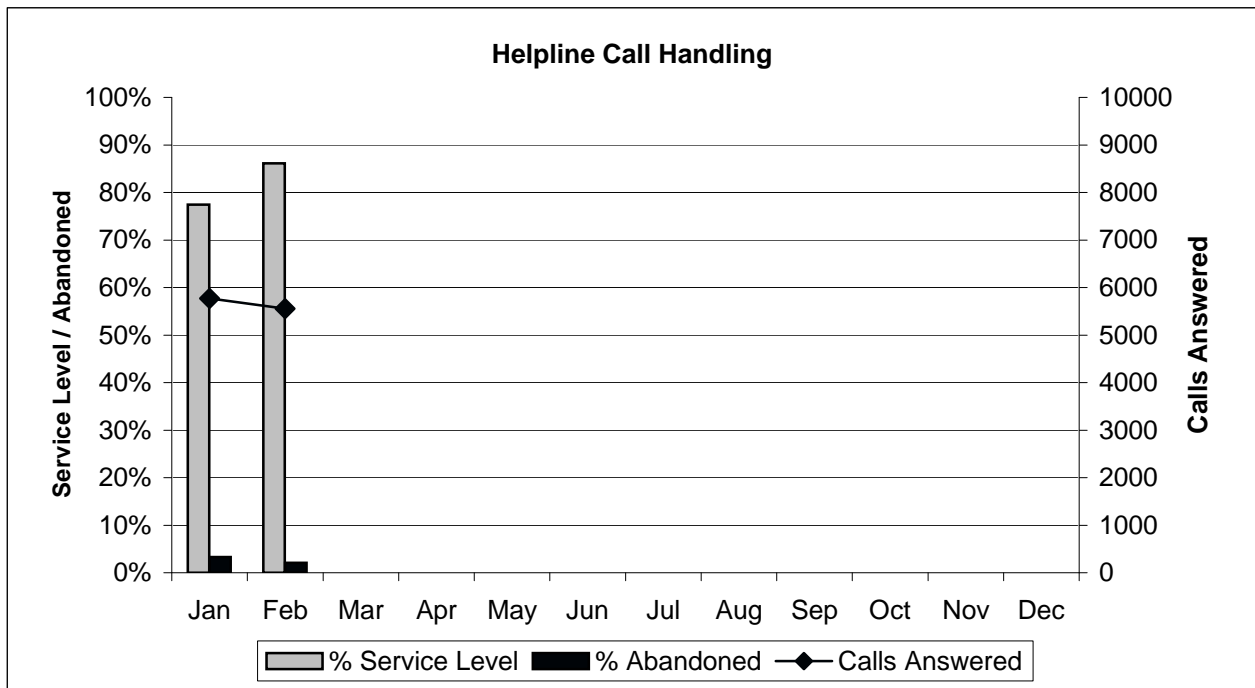
The forecast figures will be revised at the end of each quarter to ensure that they remain on track.

## All Work In Progress with Age Profile

WIP	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg.
0-3 mths	2180	2080											2130
4-6 mths	646	583											615
7-9 mths	247	219											233
10-12 mths	98	82											90
All >12 mths	48	27											38
Insurers > 12 mths	34	16											25
Coal Health > 12 mths	3	1											2
<b>Total WIP</b>	<b>3219</b>	<b>2991</b>											<b>3105</b>
WIP Forecast	3364	3164											3264
Rollover 6 mths	100	105											103
Rollover 9 mths	45	38											42

# Helpline

Helpline Calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Forecast</b>	5795	5886	5975	5414	5209	5755	6087	5407	5559	6283	5835	3986	11681
<b>Calls Accepted</b>	5972	5676											11648
<b>Variance</b>	177	-210											-33
<b>% Variance</b>	3%	-4%											0%
<b>Calls Answered</b>	5774	5556											11330
<b>Calls Abandoned</b>	198	120											318
<b>% Abandoned</b>	3%	2%											3%
<b>% Service Level</b>	77%	86%											82%



## Timeliness of Closures by Month of Receipt

Cases Closed Within 3 Months of Receipt													
Month of Receipt	Oct 2009	Nov 2009	Dec 2009	Jan 2010	Feb 2010	Mar 2010	Apr 2010	May 2010	Jun 2010	Jul 2010	Aug 2010	Sep 2010	YTD
Complaints Received	1509	1272											2781
Closed to Date	1057	952											2009
Percentage	70%	75%											72%

Cases Closed Within 6 Months of Receipt													
Month of Receipt	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Jan 2010	Feb 2010	Mar 2010	Apr 2010	May 2010	Jun 2010	YTD
Complaints Received	1185	1177											2362
Closed to Date	1061	1053											2114
Percentage	90%	89%											90%

Cases Closed Within 12 Months of Receipt													
Month of Receipt	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	YTD
Complaints Received	1195	1097											2292
Closed to Date	1185	1088											2273
Closed Percentage	99.16%	99.18%											99.17%
Exceptions Insurers	1	2											3
Exceptions Coal Health	4	0											4
Exceptions Other	4	5											9
Total	1194	1095											2289
Percentage	99.92%	99.82%											99.87%

The three tables above show cases closed against the receipt date. So to measure in January 2010 cases that were closed within three months we go back to the cases received in October 2009 and measure the number closed at the end of January. All exceptions include valid exceptions only

## All Unallocated with Age Profile

Unallocated Cases	0 - 7 days	7 - 14 days	15 - 21 days	22 - 28 days	29 - 42 days	43 - 64 days	65 - 84 days	Over 85 days	Total
New Complaints	113	8	0	0	0	0	0	0	121
Transfers	0	3	2	1	1	0	0	1	8
<b>Total</b>	<b>113</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>129</b>
Percentage	88%	9%	2%	1%	1%	0%	0%	1%	

## Customer Satisfaction

Customer Satisfaction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Forms Sent</b>	819	794											<b>1613</b>
<b>Forms Returned</b>	358	361											<b>719</b>
<b>Response Rate</b>	44%	45%											<b>45%</b>
<b>Satisfaction (Service)</b>	90%	88%											<b>89%</b>
<b>Satisfaction (Outcome)</b>	84%	83%											<b>83%</b>

## LCS Budget

	Adjusted Budget	YTD Budget	YTD Actual	YTD variance	Variance %
<b>EXPENDITURE</b>					
Basic Salaries	-9,727,261	-1,808,584	-1,764,895	-43,689	2.4%
NI / Pension Contributions	-1,794,829	-332,945	-321,218	-11,727	3.5%
Temporary Staff (Agency)	-371,359	-68,391	-43,748	-24,643	36.0%
Total Paybill	-11,893,449	-2,209,920	-2,129,861	-80,059	3.6%
Other Staff Costs	-55,200	905	-25,704	26,609	2940.2%
<b>Total Staff Expenditure</b>	<b>-11,948,649</b>	<b>-2,209,015</b>	<b>-2,155,565</b>	<b>-53,450</b>	<b>2.4%</b>
Printing, Stationery, Postage & Telephone	-250,990	-41,750	-24,944	-16,806	40.3%
Travel & Subsistence & Entertaining	-95,640	-13,022	-11,027	-1,995	15.3%
Ousourcing	-3,501,920	-583,652	-175,117	-408,535	70.0%
Administration costs	-337,496	-51,038	-18,310	-32,728	64.1%
LSCC Fee	-75,000	-50,000	-51,587	1,587	-3.2%
<b>Total Non-Staff Expenditure</b>	<b>-4,261,046</b>	<b>-739,462</b>	<b>-280,985</b>	<b>-458,477</b>	<b>62.0%</b>
<b>Gross Expenditure</b>	<b>-16,209,695</b>	<b>-2,948,477</b>	<b>-2,436,550</b>	<b>-511,927</b>	<b>17.4%</b>
<b>INCOME</b>					
Income	267,252	49,084	14,805	34,279	69.8%
<b>Net Expenditure</b>	<b>-15,942,443</b>	<b>-2,899,393</b>	<b>-2,421,745</b>	<b>-477,648</b>	<b>16.5%</b>

## Staffing

Staffing	Management	Casework	Support	Total
<b>Current Establishment</b>	53.29	205.50	85.23	<b>344.02</b>
<b>Permanent Staff</b>	49.29	160.35	69.27	<b>278.91</b>
<b>Temporary Staff</b>	0.00	20.80	5.00	<b>25.80</b>
<b>Total Staff in Post</b>	49.29	181.15	74.27	<b>304.71</b>
<b>Variance</b>	-4.00	-24.35	-10.96	<b>-39.31</b>
<b>% Variance</b>	-7.5%	-11.8%	-12.9%	<b>-11.4%</b>
<b>Starters</b>	0.00	0.00	0.00	<b>0.00</b>
<b>Leavers</b>	0.80	5.00	4.50	<b>10.30</b>

## Year to Date Budget Spend Against Forecast

Budget Spend (£ 000's)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Forecast</b>	£1,335	£1,290											<b>£2,625</b>
<b>Actual</b>	£1,222	£1,199											<b>£2,421</b>
<b>Variance</b>	<b>-£113</b>	<b>-£91</b>											<b>-£203</b>
<b>% Variance</b>	<b>-8%</b>	<b>-7%</b>											<b>-8%</b>

## LSO Referrals

File Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Complaints	87	77											164
Enquiry	0	0											0
Remuneration Certificates	0	0											0
<b>Total</b>	<b>87</b>	<b>77</b>											<b>164</b>
<b>LSO Referrals %</b>	<b>5%</b>	<b>4%</b>											<b>4%</b>

The % of referrals is based on the average monthly closures for the year to date.

Outcome of LSO Review	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
No Further Action	47	68											115
	76%	77%											77%
Critical	7	5											12
	11%	6%											8%
Reconsider	8	13											21
	13%	15%											14%
Reconsider & Compensate	0	2											2
	0%	2%											1%
Compensate	0	0											0
	0%	0%											0%
<b>Total</b>	<b>62</b>	<b>88</b>											<b>150</b>

**Cases Over 12 Months**

Reasons for cases being over 12 months	Justified?
<p><b>Case 1 (WIP)</b></p> <p>Two of the partners of the firm were intervened into about a year ago and the firm subsequently closed. The partners protested about this and took legal action against the Law Society and one in particular, the solicitor in this case, used this as an excuse not to respond and then refused to respond on the grounds of ill health. The other partners that were not intervened into personally denied knowledge or responsibility of many of the complaints raised and would not always address the complaints raised. Furthermore where partners did agree to respond they had to arrange to attend the intervention agents offices to view the files and again where further information has been requested. This has sometimes resulted in us having the papers sent to this office where responses have not been forthcoming/adequate. In this case the file consisted of 36 boxes, each containing 4 or 5 ring binders. The caseworker had difficulty obtaining a response from solicitor and eventually made a referral to the SRA. The caseworker obtained a response from the other partner but this took some time as they delayed, then had arrange to view the files at the intervention agent's office. The caseworker then required further information, had difficulty obtaining an adequate explanation from the one partner that was responding, and was forced to request the 36 boxes of files to obtain the evidence which they are currently sorting through.</p>	Yes
<p><b>Case 2 (WIP)</b></p> <p>The case was originally allocated on 21st January 2009. The original caseworker outlined the reasons of complaint within good time and requested the file from the solicitor. On receipt of the file, the caseworker noticed that some issues were apparent on the file that were not raised by the customer. After a brief discussion the original caseworker agreed to add these issues to the list of original issues raised. This meant that the file would need to be transferred to a caseworker in our specialist team. The reallocation took place on the 10th March 2009, the file was now 3 months old. After reallocation the file was proceeded without delay until the new caseworker was on sick leave for more than 1 month in October. After 4 weeks delay the file was reallocated in November. Considering the amount of information present on the file at that time, there was a need to clearly review and move the matter on a soon as possible, which the caseworker did via a letter to the customer on 25 November 2009. At this point, the caseworkers view was to try and persuade the customer not to continue with the complaint and gave the customer until 9 December 2009 to decide. The customer did respond by this date asking for an extension of time until 18 December, which was agreed. There was again another period of 4 weeks delay whilst the new caseworker was also on sick leave.</p>	No
<p><b>Case 3 (WIP)</b></p> <p>This matter was allocated on 13 February 2010 to original caseworker and then reallocated on 30 April 2010. Then finally was allocated to the current caseworker on 5 October 2009. The reallocations were necessary due to both the first two caseworkers leaving the organisation.</p> <p>This is a complicated file in that the customer has provided extensive documentation which has revealed issues relating to negligence as well as potential poor service. It took the first case worker until 29 April 2009 to decide that the file could not be easily conciliated. The second case worker did not contact the customer until 11 May 2009 to go through the issues relating to the complaint and the letter to the solicitor setting out the complaints was not sent until 3 June 2009. A response was received from the solicitor on 17 June 2009 however this was a limited response in that they were unable to liaise with the fee earner prior to their response going out due to him being on holiday.</p> <p>On 25 June 2009 caseworker wrote to a negligence panellist however they forgot to attach the relevant papers for the panellist to consider. The panellist alerted them to this in a letter dated 13 July 2009 and caseworker then sent the paperwork to the negligence panellist under cover of the letter dated 10 July 2009 although the date is not correct. In the meantime the caseworker made further enquiries into the specifics of the events in question. (This was a complex matter which involved a building dispute over a number of years.)</p> <p>The panellist attended the customer on 4 August 2009 but confirmed that they were only able to provide limited advice as they were unable to consider the vast amount of paperwork within the free hour allotted to them.</p> <p>As a result of caseworker's further enquiries, they sent a letter to the solicitors dated 11 August 2009 outlining the extent of the customer's complaints in more detail. A detailed response was received from the solicitor on 17 August 2009. A further response was sent by the solicitor on 2 September 2009 which caseworker sent to the customer for consideration. The customer replied with their comments on 22 September 2009.</p> <p>The file was then allocated to the third and current caseworker. The customer called on 19 October and caseworker explained that the previous case worker had left and that they were in the process of going through their file in detail prior to substantively contacting them. The caseworker wanted to read the whole file and put it into order which took considerable time. The caseworker also felt that they disagreed with the way previous caseworker had conducted their investigation and as such took a different stance. The caseworker explained this in their letter to the customer dated 21 October which set out their thoughts in detail. This was a time consuming exercise.</p> <p>The previous caseworker had reached the point of deciding that the matter had to go to adjudication however, as the current caseworker had drawn different conclusions, they felt that it was necessary to take the matter one stage back and allow the solicitor to respond to their new conclusions and recommendations. The new caseworker also wanted to send the solicitors response to their letter to the negligence panellist to provide them with a summary as to the issues in question, to see if this assisted them in providing further advice regarding the prospects of bringing a professional negligence claim. Their response dated 2 December 2009 again was somewhat limited.</p> <p>On 11 December 2009 the new caseworker went on long term sick leave, returning to the office on 7 January 2010 during which time nothing substantive occurred on the file.</p> <p>The solicitor's final substantive response to the complaint was dated 11 December 2009.</p> <p>Upon the caseworkers return to the office, they considered the solicitor's response and a delay was incurred whilst they obtained advice as to how best to proceed with this matter bearing in mind the age of the file. Absence due to adverse weather incurred further delay. The caseworker's letter finally went out to the customer on 10 February 2010 setting out their final conclusions and recommendations.</p> <p>The advice the caseworker received was to send the papers to a second negligence panellist to see if they could provide more comprehensive advice based on the essential papers only. The caseworker intended to delay their letter to the customer until this advice was received as this may have impacted on the caseworker's conclusions. However there were delays and complications with the second negligence panellist hence why the letter was sent on 10 February 2010. A third further negligence panellist had to be contacted as it was discovered that the second was being investigated by the SRA. Papers were sent out to the third panellist on 17 February 2010 and a response has been requested within seven days, after which the caseworker intends to obtain advice and set out the extent to which the LCS can assist, bearing in mind the negligence issues and the extent of the financial loss. There is a possibility that the file can then be closed whilst the customer pursues the negligence claim and then has the option to come back to us at a later date.</p>	No
<p><b>Case 4 (WIP)</b></p> <p>The SRA have intervened into the practice of two of the partners of this firm. One of the partners was taking legal action against the SRA alleging racial discrimination. They have also sought throughout to provoke and confuse our involvement in dealing with these IPS matters, treating us as part of the SRA and trying to get us caught up in the court proceedings.</p> <p>Firm has had a somewhat complex history of partners over the last 3 to 4 years. In each case it has taken time to identify which of the partners is responsible, to get them to accept responsibility and to provide responses.</p> <p>In each case of intervention there has also been delays and confusion in getting the relevant former partners to see the original files. On occasion the intervention agents misplaced a key correspondence file and on another passed the papers on to customers' new solicitors which added to the delay by around 4 to 6 weeks.</p> <p>Finally customer's retainer was extremely complex and they have been very slow in providing information and clarification.</p>	Yes
<p><b>Case 5 (WIP)</b></p> <p>The complaint was received on 3 February 2009 and a letter setting out the complaints was sent to the solicitors on 24 February 2009. One of the main issues was failure to release monies that had been kept by the Firm in respect of monies that had to be paid to the Legal Services Commission. A full response was provided by the solicitors on 15 March 2009 and the solicitors did not believe there had been any IPS on their part. Further documents were requested from the solicitors and these were provided on 18 March and 17 April 2009. The caseworker dealing with the matter at that time returned to the solicitors on 23 April 2009 and advised that it was still not clear what monies they were holding and what monies would be repaid to the client. The solicitors provided further information on 27 April 2009.</p> <p>The matter was passed to me on 6 May 2009. It had still not been clarified by this time what monies were owed to the client. The client also advised that they had further documents and provided the new caseworker with these on 3 June 2009. On 17 June 2009 the caseworker requested further documents from the solicitors. The solicitor failed to provide these documents and so the caseworker chased them on 30 June 2009, 9 July 2009 and a response was received on 19 July 2009. On 26 August 2009 the caseworker spoke to the solicitor and agreed that as they had advised that the LSC were not helping them establish what monies were owed to the client, that the caseworker would write to the LSC. The caseworker wrote to them on the same day. They returned requesting a form of authority from the client which was sent to them and a response was received on 20 October 2009. Their letter advised that they had not received the final bill from the solicitors despite several reminders and as a result although normally the credit balance would be refunded to the client via the solicitors, they were prepared to refund the client directly. The caseworker sent this letter to the solicitors and the client. On 5 November 2009 the client was refunded £1882.51 from the LSC and on 25 November 2009 they received £136 from the LSC. At that point the caseworker completed their review of all the paperwork as they were then able to draw some conclusions which they felt they had not been able to until they had clarified the issues as best as possible with the LSC. The caseworker completed their review and on 17 February 2010 they advised the solicitors of the areas of IPS with a view to conciliating this matter. The solicitors were not prepared to discuss conciliation and the caseworker has recently completed their draft report, which is quite lengthy, and they have put it in for review.</p> <p>The caseworker feels that they could not have prepared this report without having had the further information from the LSC.</p>	Yes
<p><b>Case 6 (WIP)</b></p> <p>Solicitor queried our jurisdiction to deal with complaint and would be obstructive in providing evidence. The customer was not particularly clear about the issues raised and it took some time to clarify matters. This is a complicated complaint and before the investigation proper could start it was necessary to prepare a report to see if we had jurisdiction to deal with the complaint. The issue was that the customer employed the solicitor as an "in house" solicitor. The solicitor believed that they were employed by the customer and as such there was no solicitor/client relationship and therefore could not raise complaints of poor service. That issue has now been adjudicated upon and the caseworker is in the process of dealing with the main complaint. However, there has been an issue with regard to the solicitors file and caseworker has only just obtained some documents from the customer. These now need to be copied to the solicitor for full comments on the issues raised and then another report can be prepared.</p>	Yes
<p><b>Case 7 (WIP)</b></p> <p>The LSO's report was received on 17 February 2009. The customer was informed of the complaints that we were intending raising with the solicitors 6 weeks later. The complaints were raised with the solicitors 3 weeks later (23 April 2009) and a copy of the file was requested. A response to the complaints was received 3 weeks after this (12 May 2009) but the file was not sent. Four weeks later the solicitors were again requested to send the file (4 June 2009). The solicitors advised that they were chasing the return of their file of papers from the solicitors who took over conduct of the matter. On 8 July we were informed the second firm had released the file to the original solicitors and they were informed of this on the same day and asked to send the file. The file, comprising four boxes was received on 20 July. There was therefore a delay in progressing the matter of just over 2 months due to the fact that we were waiting for the file of papers. There was then a 3 month period between the beginning of August and beginning of November when the boxes were looked at and the relevant information separated from the irrelevant information. Half of the documentation was irrelevant for the purposes of the LCS' investigation. This process should have been concluded sooner although the documentation was voluminous. There was a delay of three and a half months in preparing the report in view of the amount of documentation that needed to be considered. The report was disclosed to the parties on 15 February 2010 and comments were received by 3 March 2010. The report and comments will be referred to adjudication on 4 March 2010.</p>	Yes

**Cases Over 12 Months**

Reasons for cases being over 12 months	Justified?
<p><b>Case 8 (WIP)</b></p> <p>The case involved a number of complex complaints about a closed firm. The caseworker has had to ask different partners to answer different aspects of the complaint. One of the partners delayed in responding and did not provide all relevant documentary evidence in support of their response. There was a dispute between the partners over whether to conciliate the matter as there was animosity between the partners and one partner would not agree to this. The caseworker then requested and reviewed the file and other documents provided by each party to obtain the relevant evidence. All parties made further comments and the customer in particular sent numerous emails with comments and attachments. As a result of this the caseworker prepared a report which consisted of 33 pages with 368 attachments which is now being considered by all parties. It is likely that the caseworker will receive further comments as the caseworker felt that there was some evidence lacking which was sought by the caseworker and may still be provided by the customer.</p>	<p align="center">Yes</p>
<p><b>Case 9 (WIP)</b></p> <p>The initial letter outlining complaint was not sent until the 17/04/09 (8 weeks old) and requested the firm respond by the 01/05/09. The firm requested an extension of time, and a response was received on the 28/05/09. There was then a period of delay whilst the customer was gathering evidence to forward to the caseworker, 3 large e mails with documents were then sent on the 22/06/09. A detailed response with further conclusions and requesting further information was not sent until 29/07/09 (The firm commented that they had heard nothing from the caseworker for 2 months). A response was received from the firm on the 01/09/09, although it appears that the supporting evidence was not sent until 2 weeks later. Due to the escalating complexity of the file, it was reallocated on 23/11/09. By 26/11/09 the new caseworker had considered the file in detail and had dictated a large letter of analysis for both the customer and the firm. Regrettably, due to the office move in London and despite the Senior Caseworker's best efforts, the document was not typed and sent out until 04/12/09. The firm responded on 17/12/09, and following consideration of the response, both parties were told on the 29/12/09 that the file would proceed to adjudication. The report was drafted and sent out on the 21/01/10 and the file proceeded to adjudication on the 04/02/10. The adjudicators report is due any time now and this will be sent out to the parties on the same day as completion.</p> <p>Overall, the case was complex and there was a huge amount of documents (2 lever arch from the firm) many of the documents from the customer were e mails. The file really should have been allocated to a Senior Caseworker at an earlier stage, although there is little evidence on the file that the original caseworker obtained advice from a CA or Senior Caseworker. Analysis has taken far too long and there have been some delays by both the customer and the firm which contributed further to the delay overall.</p>	<p align="center">No</p>
<p><b>Case 10 (WIP)</b></p> <p>This case was a re-investigation of a case dealt with back in 2003. After allocation of the file on 19/3/09 it took until 1/6/09 to get to a point where the customer and the customer's partner were happy that issues had been correctly identified and the caseworker could send the initial letter that had initially been sent out on 17/4/09 for comments. This was largely due to the customer and customer's partner misunderstanding letters and preferring different terminology of some of the wording, even though the meaning was the same. It took several attempts to for the customer to be happy with all the areas of complaint. The solicitor then decided to challenge the re-investigation on the basis of exceeding time limits as the original retainer was over 6 years beforehand. However, the customer had been advised that they were able to come back to LCS after their Personal Injury claim was determined. This was dealt with by caseworker but meant the substantive response to the complaint was not actually received until 16/7/09 which was then subsequently reviewed. The caseworker decided that the response did not reach agreement on most issues and even with one issue that could reach an agreement on was not definitive because the solicitor said the file had been released to the customer at time of original retainer ending in 2003 and that they didn't retain a copy. The caseworker informed the customer's partner on 6/8/09, after they confirmed that this was correct, that they would need to send file to caseworker. The customer and customer's partner were not happy to send files in so caseworker wrote to them to advise that the only way that the complaint could be investigated is if: a) they send files to caseworker for copying; b) they drop files at solicitors so they can form a response and also forward to caseworker for copying; or c) LCO instructed to go through papers with them. The customer decided that the third option was acceptable so the arrangements were set up shortly before the caseworker was on annual leave from 18/9 to 8/10 for LCO to do this. By time of return of the caseworker the LCO had not managed to contact the customer due to communication difficulties. Also, following this, the customer's partner who was dealing with the paperwork was ill. This necessitated 2 extensions and eventually the caseworker asking LCO to simply obtain the whole file and report back without meeting customer directly. The LCO then needed a few extra days to provide report which was sent to caseworker on 20/11/09. When the caseworker read through the report they realised that it was necessary to relate to the LCO's comments more specifically and that there were some areas where the assessment had not been complete. Therefore an analysis summary had to be written. This was sent to customer and solicitor with the LCO report at the beginning of December so they could comment. The caseworker also sent the summary to the LCO so they could deal with certain points of clarification that were needed. Original deadline was set for 15 December 2009 but the solicitor and customer both required extra time, due to Christmas, the caseworker didn't receive all comments until 5/1/10. Based on the points raised by the customer and the solicitor, it was necessary to revert to the LCO again on 12/1/10 for some further information. This was provided on 25/1/10. The caseworker then analysed the new documents and then wrote a summary setting out conclusions on all issues and recommendations of redress. This was sent to both the customer and the solicitor on 1/2/10 with the covering letter to solicitor advising the solicitor that the caseworker needed to know if they wished to put forward a proposal. The solicitor responded with a challenge to the views on 8/1/10. The caseworker then analysed comments of solicitor with help of a Casework Advisor and a reply was sent on 18/1/10 advising solicitor that will proceed to report if don't receive proposal by 25th. If a report is needed the caseworker will ask the LCO to draft based on the evidence gathered from the file and then for the caseworker to review before disclosure to check in accordance with our normal reports and remit.</p>	<p align="center">Yes</p>
<p><b>Case 11 (Closure)</b></p> <p>The case was allocated to a caseworker on 23 October 2008 and the caseworker offered a special payment to the customer for the delay which was accepted. After contacting the parties the caseworker wrote to the customer on 25 November 2008 confirming their issues. The solicitor notified us of health issues on 10 December 2008 (case now 2 months old) and could not provide a response at the moment. An extension until 12 January 2009 (case now 3 months old) was granted. On 19 January 2009 the solicitor wrote again saying indicating that a response was imminent. The response did not arrive and the caseworker sent a failure to reply letter on 29 January 2009 threatening the solicitor with a section 44b. The section 44b was sent by caseworker on 13 February 2009. A further warning letter was sent on 24 February 2009 when the solicitor did not respond. The matter was referred to the SRA on 5 March 2009 to enforce the section 44b.</p> <p>On 5 May 2009 the SRA forwarded some documents from the file which one of their forensic investigators had managed to obtain. However, there was not sufficient evidence to prepare a report the SRA were asked to continue to see if they could obtain the full file. On 21 May 2009 the caseworker emailed the customer's new solicitor to obtain any further documents - unfortunately the caseworker misspelt the email address and it seems the email was never received. In June 2009 the subject solicitor notified the SRA that the customer's files had been lost by the insurer.</p> <p>On 31 July 2009 the caseworker wrote to the customer's new solicitor setting out what information was required in relation to the complaints, unfortunately this email was again sent to a misspelt email address and was not received by the new solicitor.</p> <p>On 17 August 2009 caseworker phoned the new solicitor and advised that the evidence was required within 7 days, which was then followed up by a chaser e-mail on 25 August 2009 (again sent to an incorrect email address) and said that the file would be closed on 1 September 2009 if the requested info didn't arrive. On 28 August the new solicitor spoke to the caseworker and advised that no e-mails were received. A complaint was received by the caseworker's manager from the solicitor and it was agreed that the deadline would be extended until 11 September 2009. A further complication arose at this point as the firm officially closed on 28 August 2009.</p> <p>The caseworker left the LCS on 4 September 2009 and the file was reallocated. The further evidence was received on 15 September 2009 and a review of the papers concluded that there was IPS. Caseworker noted that, potentially, there were financial effects and that the customer should be given the opportunity to provide evidence that these effects had been paid. The caseworker then telephoned the new solicitor on 18 September 2009 to advise of final conclusions. As the solicitor was going on holiday the following week, a deadline of 2 October 2009 to provide further evidence was agreed. The caseworker was on annual leave from 5 October to 9 October inclusive but in any event the further info didn't arrive until 12 October 2009. A letter report was then drafted and sent to the parties on 15 October 2009. The deadline for representations on the report is 29 October 2009.</p>	<p align="center">Yes</p>
<p><b>Case 12 (Closure)</b></p> <p>Complaint received by Solicitors Regulation Authority in 2007. In September 2008 customer made a further complaint to the Solicitors Regulation Authority. 2 months later in November 2008 the SRA referred the matter as service complaint to LCS.</p> <p>A file was made up and allocated to caseworker in December 2008. Investigation was undertaken as to whether complaint should be considered as out of time. On 13 January 2009 decision was made to accept complaint out of time. 4 February 2009 complaints were put to former partners of firm, which had closed. In March 2009 the partners responded raising an argument complaints were out of time. April 2009 the LCS requested solicitors' file under S 44B. 30 April 2009 the former partners respond raising further issues over complaints being out of time and decline to release file. May 2009-Advice was sought from senior adviser who advised the preliminary issue over jurisdiction should be passed to Adjudicator for decision. June 2009 report was prepared and issued by caseworker. July 2009 matter was referred for adjudication. 1 September 2009 Adjudicator decided that our investigation should go ahead out of time but did not at that stage make a S44B decision although one had been requested. Solicitors were asked again to produce their file but did not comply and therefore a S44B decision was sought and issued on 22 October 2009. Matter transferred to SRA for enforcement but the solicitors provided their file on 12 November 2009. File has now been reviewed and report is in preparation -it is likely to be referred for adjudication middle of December 2009</p>	<p align="center">Yes</p>
<p><b>Case 13 (Closure)</b></p> <p>The first substantive response was on 23 February 2009 within 3 weeks of receipt of complaint. The matter was then sent to the outsourcer to deal with.</p> <p>From the beginning of March 2009 to the beginning of April, the customer and the firm were allowed to go through the firm's internal complaints handling process while the CRO file was kept open. There followed several worthy attempts by the Caseworker to get the Customer's complaints right, this being due to several corrections from Customer on what was a complex set of complaints about the sale of a partnership.</p> <p>Following this the initial letter to the solicitor was sent out and responded to, by 7 May 2009 a pre-closure letter was written. No response was received from the Customer following this pre-closure and on 14 May 2009 the file was closed.</p> <p>On 26 May 2009 the Customer contacted the outsourcer and explained that he had asked for correspondence by email and that is why he had not responded to the pre-closure. Outsourcer invited a response and Customer did so on 28 May 2009. On 29 May 2009 Customer acknowledged position re limits of powers of outsourcer and indeed closure of the file and asked for some direction in appointing a new solicitor, the outsourcer responded on the same day with details of "find a solicitor".</p> <p>The file remained closed from the original closure on 14 May 2009. On 30 July 2009 the Customer contacted the outsourcer and requested firm's response to the initial letter which was provided within one week. On 26 August 2008 Customer contacted outsourcer and explained that whilst they understood why the file was closed they disputed the firm's response.</p> <p>Following a review in September 2009 a decision was taken to re-open the file for further consideration and the same reference number was kept. The subject firm were contacted to seek further information, they responded. The outsourcer saw no difference in the position as compared to when they originally closed the file and explained to the parties that determination of the matter by an Adjudicator would be necessary. The file was then allocated to LCS Caseworker and in mid November 2009 the Customer contacted with further evidence of their position. A brief discussion was had with the Customer following receipt of documents. Following an initial review of the matter the Customer was not obtainable and on 17 December 2009 the parties were contacted to explain a report would be with them in mid January 2010 to take into account caseworker leave. During a full review it became clear that a determination by adjudication was not necessary as the matter needed to be closed down. The Customer was informed of this in a full letter. Regardless of the above gaps in progress, while the parties went through the internal complaints procedure with the CRO file open and indeed with time still running while the file was closed, the file would still have been closed within 12 months but for the need to give the Customer an extension to respond to our view due to a bereavement.</p>	<p align="center">Yes</p>

**Cases Over 12 Months**

Reasons for cases being over 12 months	Justified?
<p><b>Case 14 (Closure)</b> This matter was with the original caseworker for 7 months. Initially there was a 5 week delay in the matter being allocated and then the authority of the executors was needed prior to details of the complaint being sent to the solicitors. There was then an 8 week delay before a substantive response was received from the solicitors following which the firm's file was obtained from customers new solicitor. It then took a further 7 weeks for an analysis letter to be sent to the customer. Following this the customer raised further queries and did not accept the caseworkers conclusions, this caseworker then left LCS. The file was transferred to a new caseworker at 10 months when an LCO was instructed in the hope of a conciliated settlement. The matter was with the LCO for 8 weeks and although the solicitors put forward an offer this was not accepted by the customer and ultimately the LCO submitted his report on 26 January 2010 (exactly 12 months after file first opened). Whilst the matter was with the LCO he was hospitalized for 3 weeks which prolonged his investigation Overall this was a difficult matter, the customers expectations were not properly managed and consequently when an offer was put forward this was rejected resulting in a conciliation not being achieved within the timescales.</p>	No
<p><b>Case 15 (Closure)</b> File was created in September and allocated to caseworker in October last year. After initial review of the file caseworker decided that we were not able to help customer as negligence proceedings ongoing and out of time, however, customer responded with reasons why the issue was not raised within the timeframe. Caseworker agrees to look at the file and decide whether there were any valid issues of complaint. Caseworker requests file from solicitor in November (case now 2 months old). Caseworker reviews file and agrees reasons for complaint with the customer in late December (now 3 months old). Caseworker is then on 3 weeks annual leave. Caseworker experiences difficulties in contacting customer as customer now lives abroad, after 2 months of no contact, caseworker writes to the customer advising that if no response is received, caseworker will be forced to close the file (case now 5 months old). Customer replies and a short exchange between customer and caseworker begins where the caseworker outlines the documentation needed from the customer with regards to the costing information. Caseworker finally sends out letter to solicitors firm outlining reasons for complaint in April (file is now 7 months old). Customer writes to caseworker explaining that they have found new issues for complaint and caseworker writes to solicitor to confirm these new issues. Solicitor responds in early May (case now 8 months old) and advises the caseworker that, as the file is so old, the solicitors file has been moved to off site archives and will take some time to get returned. Caseworker agrees an extension for the solicitor to send in the file. The deadline set by the caseworker was exceeded and caseworker contacted solicitors firm for an update, the solicitor mentions that the file is very large and often in a foreign language so has had difficulty sorting through the papers, caseworker agrees a 30 day extension till early July (file will then be 10 months old). Caseworker chases solicitor as no response received then solicitor responds to say that all the documentation was destroyed in a fire, caseworker asks for evidence of fire from solicitors. Customer provides some papers as evidence in August and caseworker sends chaser letter to solicitor in September (case now 12 months old)</p>	Yes
<p><b>Case 16 (Closure)</b> Caseworker received file on 18 November, the caseworker had managed to deal with the file fairly promptly. The caseworker then discovered that the solicitors files had disappeared somewhere between the firm and the third party who were to get registration done. With no file the firm wouldn't reply. Statutory notice out on 27 January (file now 6 months old), reply received but no evidence attached. There was a short period of delay as the solicitor was ill, but caseworker was able to give views on 6 April. An offer was then proposed by the solicitor. Customer was then on holiday. In the meantime caseworker tried to locate the file for the customer. The customer then accepted the offer, but was subject to the file being received from the third party, who had began to delay. The caseworker requested the file on several occasions during June (file now 8 months old), and early July. A further issue was then raised over non-payment of Spanish Tax by the firm which solicitor didn't know about until then. The papers then became more urgent as needed to see if tax was paid and if so by whom. Advice sought from advisor by caseworker, the advice was that the caseworker needs the file to fully establish IPS as either responsibility of solicitor's firm or 3rd party firm, and if so, who is accountable. Two files were requested by the caseworker, one which customer had and one held by 3rd party. The file from customer was received 31st July (file now 9 months old). Caseworker chased the 3rd party firm on several occasions for their file which was crucial for establishing where the IPS fell, especially the late tax payment issue. The file was finally received 9th September from 3rd party. The report has now been drafted and is awaiting approval before being sent to adjudication.</p>	Yes
<p><b>Case 17 (Closure)</b> The matter was referred to outsource solicitors on 9 January 2009. They spoke to the customer to agree the issues requiring investigation and to find out what the customer would regard as a satisfactory outcome. The customer advised them that their main concern was that a file of papers should be sent as a matter of urgency to their new solicitors to continue with the ongoing case. The outsource solicitors relayed the customer's instructions to the subject firm who sent the file of papers to the new solicitors, however, to save time and on the understanding that sending the file would resolve the complaint, they did not take a copy for their records. The case was referred back to the LCS on 12 February 2009, at which point the customer confirmed that they would like to pursue their complaints of inadequate service. The caseworker spoke to the customer on 5 March 2009 and it then took until 30 April 2009 to agree the issues of complaint and write to the solicitors. The LCS chased the solicitors' response on 18 May 2009 and 9 June 2009 at which point they advised that they were unable to respond to the complaints because they had sent their file of papers to the customer's new solicitors who, when contacted, had advised that the files were currently unavailable because they were being assessed for costing. The solicitors eventually provided their substantive response to the complaint on 2 October 2009 following which the caseworker considered the possibility of resolving the case by conciliation. The report was prepared and disclosed on 14 December 2009 and the case was referred to adjudication on 30 December 2009. The adjudicator's decision was made on 19 January 2010 and sent to the parties on 22 January 2010. Following the solicitors' compliance, the case was closed on 4 February 2010. Overall, the case was delayed because it took six months for the solicitors to provide their response to the complaint. They should have been advised to retain a copy of the file before sending it to the customer's new advisers and the caseworker should have been more robust in requiring them to obtain the relevant documents, from the costs draftsman if necessary, to allow them to respond. It took 11 weeks from receipt of the solicitors' response to prepare the report. In the circumstances, the report should have been prepared at an earlier stage and the caseworker should not have considered resolving the case by conciliation</p>	Yes
<p><b>Case 18 (Closure)</b> This matter is one of a number of complaints brought by a particular customer. The customer has severe disabilities and has posed a particular set of challenges for the organisation. The initial stages of the file involved the caseworker trying to ascertain what the customers concerns were, shortly after however they made a service complaint that the LCS was discriminating against them, due to their disability, because the LCS were not making reasonable adjustments which would allow them reasonable access to our services. To cut a long story short the customer has produced various medical reports detailing their condition and how service providers should deal with them. Shortly before our quality advisor inherited the service complaint file in July last year, the LCS had appointed an independent advocate to assist the customer in making their complaint to us. Our quality advisors involvement therefore has been to try and deal with those service concerns with the inclusion of this advocate; latterly however in around October/November 2009, the customer appears to have fallen out with the advocate and has since refused our quality advisor permission to discuss their case with the advocate. Along the way, both the advocate and our quality advisor have been required to comply with various Questionnaires the customer has presented under the Disability Discrimination Act and our quality advisor has therefore also kept Legal and E&amp;D heavily involved. The quality advisor last wrote to the customer on 22 January basically asking them to agree to a meeting with an LCO to detail their complaint about the solicitors. In this letter it was stated that unless new service issues where raised, the service complaint had now been fully dealt with. The customer was given until 8 February to let our quality advisor know their decision about detailing the complaint about the solicitors. The customer then contacted our quality advisor on 26 January expressing their displeasure at the latest letter and general handling of the matter. They feel that the caseworker, the quality advisor and the independent advocate had not made reasonable adjustments in dealing with their disability. As a result, the quality advisor is now seeking guidance from legal and E&amp;D about a restriction on our further communication with this customer. The quality advisor has drafted a letter to send once the 8 February deadline has passed, explaining any restriction we put in place and letting them know that as we are now unable to progress their complaint about the solicitors, we will be closing our file.</p>	Yes

We do not as a matter of course list insurers cases.

## Glossary

Term	Definition
<b>Enquiry</b>	A matter where we provide information, clarification or explanations of jurisdiction
<b>Complaint</b>	A matter where action is taken to conciliate or settle or investigate and determine an expression of dissatisfaction about the service provided by a firm of solicitors or the conduct of an individual solicitor
<b>Age Profile</b>	<p>The age profile groupings are measured as follows:</p> <p>0 - 3 months = 0 - 91 days</p> <p>4 - 6 months = 92 - 183 days</p> <p>7 - 9 months = 184 - 274 days</p> <p>10 -12 months = 275 - 365 days</p> <p>12 months &amp; over = 366 days &amp; over</p>
<b>6 Month Rollover</b>	The rollover figure is calculated by comparing what cases in a month are over 6 months old with those that were less than 6 months old the previous month. This also includes matters that were reopened during the previous month
<b>9 Month Rollover</b>	The rollover figure is calculated by comparing what cases in a month are over 9 months old with those that were less than 9 months old the previous month. This also includes matters that were reopened during the previous month
<b>Establishment</b>	Number of FTE posts within the budget
<b>Permanent Staff</b>	Staff as FTE employed by The Law Society as at a particular point in time who have a permanent contract
<b>Temporary Staff</b>	Staff as FTE employed at a particular point in time who have a temporary contract of employment. This will include temporary staff and Agency staff
<b>Staff In Post</b>	Staff as FTE employed at a particular point in time
<b>Starters</b>	FTE Staff joining roles, so either moving into a management, caseworking, or support role. Internal moves within the roles are not recorded in this figure
<b>Leavers</b>	FTE Staff leaving roles, so either moving out of a management, caseworking, or support role. Internal moves within the roles are not recorded in this figure
<b>WIP</b>	Work In Progress - All cases received but not yet resolved, including new complaints awaiting allocation to a caseworker.