

**2010 Performance Update
Legal Complaints Service**

March 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%	73%	60%	13%	✓

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

This Month	YTD	Plan	Variance	Being Met?
92%	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%	99.5%	99.0%	0.5%	✓

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?
87%	88%	80%	8%	✓

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?
£1,202	£0	£3,910	-£3,910	✓

* Figures shown in £1,000's

Preparation for Handover & Closure

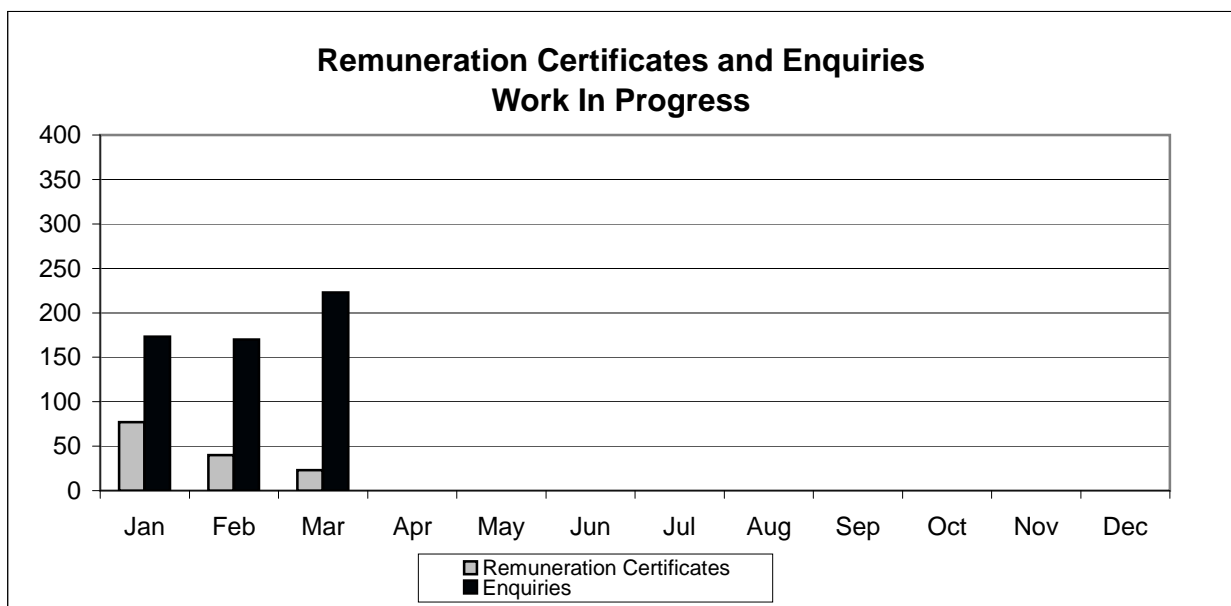
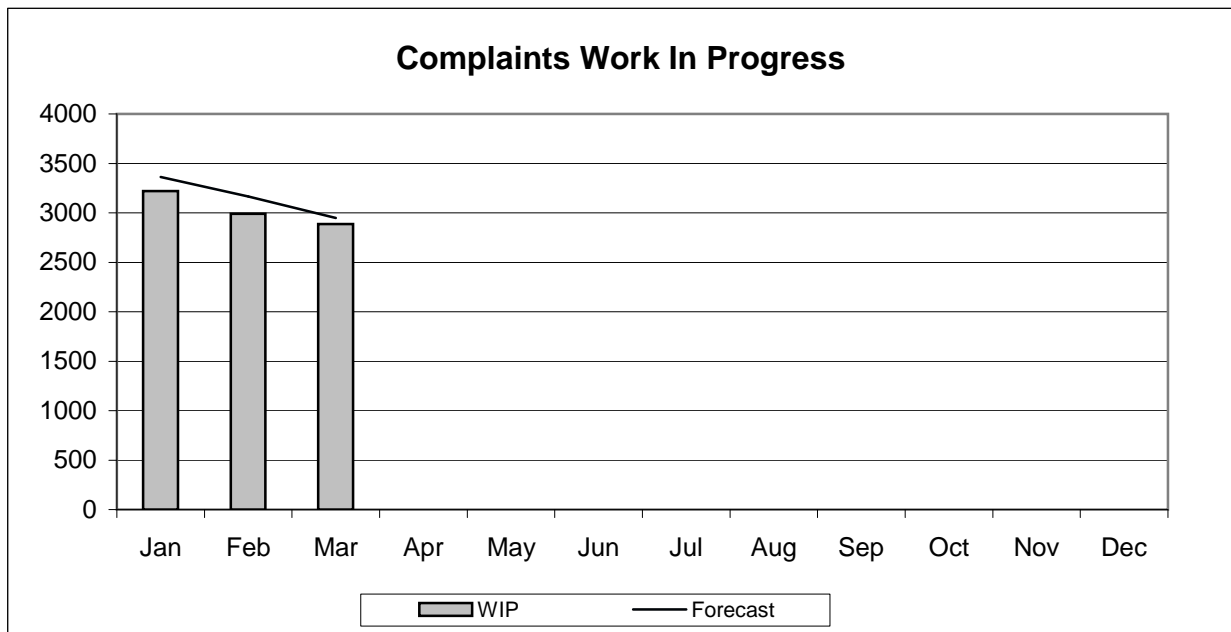
H1: Optimise total number of cases in progress (Caseload)

Month End	YTD Plan	Variance	Being Met?
2886	3130	-244 (-8%)	✓

Summary Throughput

Throughput	WIP Brought Forward	Cases Received	Cases Closed	WIP Carried Forward	WIP Movement
Complaints	2991	1355	1460	2886	-105
Remuneration Certificates	40	2	19	23	-17
All Enquiries	170	406	353	223	53
Total	3201	1763	1832	3132	-69

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
Forecast Receipts	1024	1000	1134	1132	1043	1049	1206	1061	1030	758	509	429	3158
Actual Receipts	1191	1091	1292										3574
Variance	167	91	158										416
% Variance	16%	9%	14%										13%
Forecast In House Closures*	936	933	1087	1059	1007	1158	922	653	761	753	756	632	2956
Forecast Outsource Closures*	200	200	200	200	250	250	300	300	350	350	400	400	600
Total Closure Forecast	1136	1133	1287	1259	1257	1408	1222	953	1111	1103	1156	1032	3556
Actual In House Closures	1119	1040	1158										3317
Actual Outsource Closures	123	150	160										433
Total Actual Closures	1242	1190	1318										3750
Variance	106	57	31										194
% Variance	9%	5%	2%										5%
Forecast WIP	2815	2698	2579										
Actual WIP	2831	2732	2706										
Variance	16	34	127										
% Variance	1%	1%	5%										

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
Forecast Receipts	122	145	181	214	146	136	176	174	181	88	55	76	448
Actual Receipts	68	79	63										210
Variance	-54	-66	-118										-238
% Variance	-44%	-46%	-65%										-53%
Forecast Closures	96	66	72	70	57	62	63	50	59	59	49	42	234
Actual Closures	248	208	142										598
Variance	152	142	70										364
% Variance	158%	215%	97%										156%
Forecast WIP	532	466	368										
Actual WIP	388	259	180										
Variance	-144	-207	-188										
% Variance	-27%	-44%	-51%										

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.

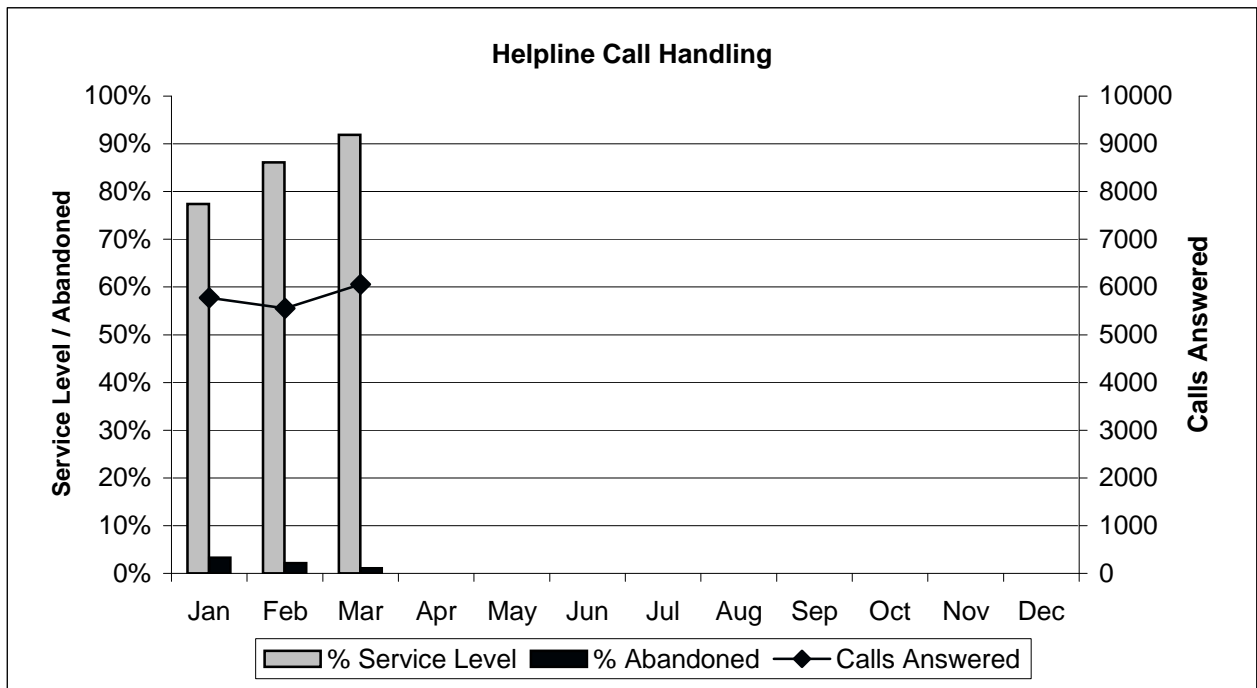
The forecast figures will be revised at the end of each quarter to ensure that they remain on track.

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	2118										2126
4-6 mths	646	583	500										576
7-9 mths	247	219	185										217
10-12 mths	98	82	58										79
All >12 mths	48	27	25										33
Insurers > 12 mths	34	16	12										21
Coal Health > 12 mths	3	1	1										2
Total WIP	3219	2991	2886										3032
WIP Forecast	3364	3164	2947										3158
Rollover 6 mths	100	105	73										93
Rollover 9 mths	45	38	26										36

Helpline

Helpline Calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Forecast	5795	5886	5975	5414	5209	5755	6087	5407	5559	6283	5835	3986	17656
Calls Accepted	5972	5676	6122										17770
Variance	177	-210	147										114
% Variance	3%	-4%	2%										1%
Calls Answered	5774	5556	6056										17386
Calls Abandoned	198	120	66										384
% Abandoned	3%	2%	1%										2%
% Service Level	77%	86%	92%										85%



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	1166										3947
Closed to Date	1056	950	869										2875
Percentage	70%	75%	75%										73%

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	1112										3474
Closed to Date	1060	1053	1025										3138
Percentage	89%	89%	92%										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	1508										3800
Closed to Date	1184	1088	1502										3774
Closed Percentage	99.08%	99.18%	99.60%										99.32%
Exceptions Insurers	1	2	0										3
Exceptions Coal Health	4	0	0										4
Exceptions Other	4	5	3										
Total	1193	1095	1505										3781
Percentage	99.83%	99.82%	99.80%										99.50%

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	132	4	0	0	0	0	0	0	136
Transfers	0	1	3	0	2	1	1	1	9
Total	132	5	3	0	2	1	1	1	145
Percentage	91%	3%	2%	0%	1%	1%	1%	1%	

Customer Satisfaction

Customer Satisfaction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Forms Sent	819	796	875										2490
Forms Returned	358	353	322										1033
Response Rate	44%	44%	37%										41%
Satisfaction (Service)	90%	89%	87%										88%
Satisfaction (Outcome)	84%	83%	79%										82%

LCS Budget

	Adjusted Budget	YTD Budget	YTD Actual	YTD variance	Variance %
EXPENDITURE					
Basic Salaries	-9,727,261	-2,682,484	-2,613,220	-69,264	2.6%
NI / Pension Contributions	-1,794,829	-494,012	-475,269	-18,743	3.8%
Temporary Staff (Agency)	-371,359	-101,709	-65,128	-36,581	36.0%
Total Paybill	-11,893,449	-3,278,205	-3,153,617	-124,588	3.8%
Other Staff Costs	-55,200	-280	-22,125	21,845	-7801.8%
Total Staff Expenditure	-11,948,649	-3,278,485	-3,175,742	-102,743	3.1%
Printing, Stationery, Postage & Telephone	-250,990	-62,735	-35,892	-26,843	42.8%
Travel & Subsistence & Entertaining	-95,640	-19,533	-16,408	-3,125	16.0%
Ousourcing	-3,501,920	-875,478	-312,620	-562,858	64.3%
Administration costs	-337,496	-84,119	-77,973	-6,146	7.3%
LSCC Fee	-75,000	-75,000	-77,379	2,379	-3.2%
Total Non-Staff Expenditure	-4,261,046	-1,116,865	-520,272	-596,593	53.4%
Gross Expenditure	-16,209,695	-4,395,350	-3,696,014	-699,336	15.9%
INCOME					
Income	267,252	73,626	72,250	1,376	1.9%
Net Expenditure	-15,942,443	-4,321,724	-3,623,764	-697,960	16.2%

Staffing

Staffing	Management	Casework	Support	Total
Current Establishment	53.29	205.50	84.23	343.02
Permanent Staff	48.29	159.95	65.33	273.57
Temporary Staff	0.00	20.80	5.50	26.30
Total Staff in Post	48.29	180.75	70.83	299.87
Variance	-5.00	-24.75	-13.40	-43.15
% Variance	-9.4%	-12.0%	-15.9%	-12.6%
Starters	0.00	0.00	1.50	1.50
Leavers	0.00	0.00	3.74	3.74

Year to Date Budget Spend Against Forecast

Budget Spend (£ 000's)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Forecast	£1,335	£1,290	£1,285										£3,910
Actual	£1,222	£1,199	£1,202										
Variance	-£113	-£91	-£83										-£3,910
% Variance	-8%	-7%	-6%										-100%

LSO Referrals

File Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Complaints	87	77	110										274
Enquiry	0	0	1										1
Remuneration Certificates	0	0	0										0
Total	87	77	111										275
LSO Referrals %	5%	4%	6%										5%

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	43	65	131										239
	74%	76%	79%										77%
Critical	7	5	4										16
	12%	6%	2%										5%
Reconsider	8	13	25										46
	14%	15%	15%										15%
Reconsider & Compensate	0	2	2										
	0%	2%	1%										0%
Compensate	0	0	4										4
	0%	0%	2%										1%
Total	58	85	166										309

Cases Over 12 Months

Reasons for cases being over 12 months	Justified?
<p>Case 1 (WIP)</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>Case 2 (WIP)</p> <p>The file was originally closed before it was 12 months old The report was sent to Adjudication on the 21 December 2009. Adjudicator's decision was made on the 31 December 2009, and subsequently the parties were notified on the same day. The firm were asked to comply with the decision within 7 days. The firm did not comply and referred to insurers. After 7 days of the decision, on the 8 January 2010, the firm had not yet paid the compensation to the customer. The firm confirmed that they had referred the matter to their insurers. On the 11 January 2010, the file was closed and the matter had been referred to the insurers. On the 5 February 2010, the caseworker received a letter from the firm asking for the Adjudicator's decision to be reconsidered. A CA reviewed the file and agreed that the file should be re-opened and the decision reconsidered as the business at risk of JR.</p>	Yes
<p>Case 3 (WIP)</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. 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. 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.) 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. 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. 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. 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. 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. The solicitor's final substantive response to the complaint was dated 11 December 2009. 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. 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>Case 4 (WIP)</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. 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. 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. Finally customer's retainer was extremely complex and they have been very slow in providing information and clarification.</p>	Yes
<p>Case 5 (WIP)</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. 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. The caseworker feels that they could not have prepared this report without having had the further information from the LSC.</p>	Yes
<p>Case 6 (WIP)</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>Case 7 (WIP)</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>Case 8 (WIP)</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>Case 9 (WIP)</p> <p>The case concerns the administration of an estate which has been ongoing since April 2004. The primary complainants are a firm of solicitors on behalf of their client who are the sole beneficiary of the Will. The firm's clients are the Executors of the Will. The matter was initially investigated and closed in December 2008 to allow the subject firm to complete the administration of the estate. The complainant firm asked LCS to resume the investigation on 4 March 2009 following which the customer endorsed the request on 17 March 2009. The complaints were put to the subject firm on 14 May 2009 to which they failed to respond. The failure to reply letter and warning was sent on 9 June 2009. The solicitors replied on 17 June 2009 apologising for the delay in concluding the administration and advising that they had been in contact with the complainant firm direct to confirm the up to date position and to negotiate a resolution. The complainant firm confirmed that they had received updates from the solicitors so the Legal Complaints Service wrote to the subject firm on 24 June 2009 to ask them to complete the administration of the estate and to confirm their proposals for resolving the complaints of inadequate professional service by 24 July 2009. The subject firm wrote to the complainant firm on 23 July 2009 providing up to date estate accounts which included entries in respect of the apparent sale of the remaining shareholdings. They also enclosed a cheque in the sum in respect of a further distribution and said that they would wait for the complainant firm to contact them in respect of any matters they wished to raise. The complainant firm wrote to the subject firm on 30 July 2009 to confirm the amount of their fees and to explain that in their calculation, the estate had sustained a financial loss as a result of the subject firm's failings. Accordingly, they asked subject firm to pay compensation in the sum of £5,447.53. The subject firm responded on 19 August 2009 offering to make a payment of £5,000.00 in full and final settlement of the Hospice's legal costs and in respect of the loss in value of the shares. The complainant firm confirmed their acceptance of the offer on 1 September 2009 and the subject firm sent a cheque for the required amount which complainant firm paid into their client account in preparation for accounting to their client. On 18 September 2009, however, the complainant firm received a letter from the customer advising that they had received a letter from the subject firm (dated 10 September 2009) requesting their assistance in obtaining duplicate share certificates; the request appeared to relate to the shareholdings which had purportedly been sold. The complainant firm wrote to the subject firm and spoke to the Legal Complaints Service on 24 September 2009 and 29 September 2009 respectively to query how the subject firm could have made "what appeared to be a final distribution" when the shareholdings had not been sold. Accordingly, the complainant firm reserved their client's position as regards the completion of the administration and the previously accepted offer to resolve the issues of complaint. It was agreed, therefore, that the most appropriate action would be to revert to the customer to ask them to confirm their understanding of the position, which they did on 30 November 2009, and then to refer the matter to adjudication. The report was issued to the parties on 3 February 2010, i.e. eight weeks after the customer's response and referred to adjudication on 23 February 2010. The adjudicator made his decision on 19 March 2010. There was a delay of 4 weeks in preparing the report, however, approximately 5 months of the investigation (from June to October 2009) was given over to the parties attempting to reach a resolution themselves. When the resolution failed, the LCS had to contact the clients (who had not previously been actively involved in the complaint) to request their assistance.</p>	<p align="center">No</p>
<p>Case 10 (WIP)</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 Caseworker 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>Case 11 (WIP)</p> <p>Complaint received 23 March 2009. Allocated 24 April 2009. Firm subject to an intervention and files retained by agent pending appeal. Appeal successful, therefore complaint raised with firm on 11 May 2009, however firm explained file sent to customers new solicitors. Permission sought from the new solicitors on 24 June 2009 for subject solicitor to have access to the file. Response was that file will be released only after 15 July 2009 to be returned by 31 July 2009. Informed that subject solicitor suspended by the SDT on 14 July 2009. The circumstances led to the subject solicitor failing to reply, although eventually the new solicitor confirmed the subject solicitor had collected the file and returned it 24 August 2009. Referral to SRA 26 August 2009 regarding the subject solicitor's failure to reply and caseworker requested file from the new solicitor, received by 23 September 2009. Reply from the subject solicitor 27 August 2009, but no documentary evidence supplied and the subject solicitor chased for this.</p> <p>Caseworker reviewed file and wrote to customer with conclusions on 9 November 2009 explaining no IPS. Further comments received from customer 30 November 2009 which required further investigation. The caseworker reviewed the papers again and formed the view that she had not received the complete file on 12 January 2010, however following an exchange with customer, caseworker formed the view on 3 February 2010 that she could prepare a report. File reviewed and report prepared, approved and submitted on 11 February 2010. Representation from customer led to agreement that the customer should seek further information from their building society, and consequently formal representations received from customer on 8 March 2010, and referred to Adjudication on 15 March 2010. However further contact with customer on 18 March 2010 resolved that information received from the building society was unclear, however Adjudicator was able to make a decision on 6 April 2010. Currently waiting for the subject solicitor to comply with the decision.</p> <p>The first six months of this file were dominated by the regulatory action concerning the subject solicitor, and his failure to examine the file and respond, despite further regulatory referral to the SRA. This largely accounts for why this file has taken just over 12 months to resolve. During the second 6 months, the caseworker spent two separate 6 week periods reviewing the solicitors file. Even if this exercise had been conducted more swiftly, the file would still have gone over 12 months old, I therefore conclude that the solicitors intransigence in assisting us during the ongoing intervention and disciplinary proceedings explain why this file has gone over 12 months old, and therefore the file is justified in being over 12 months old.</p>	<p align="center">Yes</p>

Cases Over 12 Months

Reasons for cases being over 12 months	Justified?
<p>Case 12 (WIP)</p> <p>We received the customer's complaint by post on 25 March 2009. The file was allocated to the original caseworker on 24 April 2009. She first contacted the customer on 7 May 2009. The original caseworker received 97 pages of emails as supporting documents from customer. The original caseworker set out complaints to firm by letter on 29 May 2009 response was expected by 11 June.</p> <p>28 May 2009 - customer advised that his son had been involved in a serious car accident and that his family were flying out to be with him.</p> <p>The firm failed to provide a response to the original caseworker's letter of 29 so customer contacted the firm on 18 June 2009 and was advised the solicitor's secretary had unexpectedly passed away. The original caseworker allowed the firm until 3 July 2009 to provide a response and put the firm on notice of s44b.</p> <p>2 July 2009 firm writes to the original caseworker asking for extension until 10 July 2009.</p> <p>No response received so the original caseworker sent s44b notice on 14 July 2009.</p> <p>Firm provided substantive response to LCS 31 July 2009.</p> <p>The original caseworker gives final views to customer on 1 September 2009.</p> <p>13 October 2009 further evidence supplied by the firm (but supporting docs had gone astray in the post).</p> <p>5 November 2009 original caseworker writes to customer with final conclusions.</p> <p>The firm puts forward an offer on 17 November 2009.</p> <p>Customer comes back with his own additional conditions on 20 November 2009.</p> <p>Original caseworker puts the above to the firm on 23 November 2009.</p> <p>Firm respond to counter offer on 10 December 2009.</p> <p>Original caseworker signed off during December.</p> <p>14 January 2010 original caseworker contacts customer, who responds to the firms comments of 10 December 2009 by email on 19 January 2010.</p> <p>Original caseworker puts customer's comments to the firm in a letter on 22 January 2010, requests response within 7 days or will prepare a report.</p> <p>5 February 2010, Report prepared and sent to both parties for observations.</p> <p>The decision was sent out to the parties on 1 March 2010 and the firm was asked to provide evidence of compliance by 8 March 2010.</p> <p>A further letter was sent to the firm on 9 March 2010 setting out the decision and the firm was reminded of its obligations. A further 7 days were given to the firm to show that they had complied with the decision.</p> <p>On 16 March 2010 we received a fax from the firm stating that a new engagement letter had been sent to the customer along with an explanation of the next steps (a copy of this was not provided).</p> <p>The original caseworker went on maternity leave on 19 March 2010 and the file was passed to a new caseworker. The new caseworker contacted the firm on 23 March 2010 asking to speak with the subject solicitor. He was out of the Office. The new caseworker advised the secretary that the matter was urgent and that I noted the new solicitor was due to be away on annual leave for 2 weeks from the end of the day. The new caseworker advised that she would expect the solicitor to return her call before the solicitor left. The new caseworker indicated that the firm had failed to comply with the decision that was sent to them on 1 March 2010 despite reminders and explained that the new caseworker would be making a referral to the SRA on this basis if action was not taken ASAP.</p> <p>As the new caseworker had not heard anything she called the firm again on 24 March 2010. The caseworker spoke to the solicitor's secretary who was very dismissive of the matter. The secretary advised that she had mentioned the caseworker's call to the solicitor yesterday but he said it was "too late in the day to do anything". The caseworker advised that he had had the decision since 1 March 2010, he had chosen to delay the matter. The caseworker advised that she would like to see a copy of the letter that has been sent to the customer, as this may provide LCS with enough evidence to show that the decision has been complied with. The secretary states that she will fax this to the caseworker today. She also advised that no other solicitor could deal with this matter in the subject solicitor's absence.</p> <p>As the caseworker heard nothing further a call was made to the firm on 25 March 2010 and a message was left asking the secretary to return the caseworker's call. A note of the secretary's e-mail address was also made and an email was sent to her on the same date again requesting the letter that the firm had sent to the customer following the decision, which set out the next steps. We asked her to provide a response by the end of the day.</p> <p>As the caseworker did not receive a response a further call was made to the firm on 26 March 2010 and the caseworker asked to be put through to the CHP. The secretary advised she would get someone to return the caseworker's call. But again this did not happen. An urgent fax was then sent on the same date requesting response from the firm by 29 March 2010 (by 4pm) at the very latest.</p> <p>The caseworker has contacted the adjudicator for some guidance in respect of how we should progress this matter.</p>	<p>No</p>
<p>Case 13 (WIP)</p> <p>This complaint was received by email on 25 March 2009. It was allocated to the first caseworker on 29 April 2009. The matter had previously been placed before the Financial Ombudsman Service (FOS) as the matter related to a Whole of Life Policy sold by third party firm. It was subsequently alleged that subject individual also worked for and sold the policy under the agency of subject firm whom they also worked for and thus potentially fell under our jurisdiction.</p> <p>The matter was then transferred current caseworker on 9 June 2009. The caseworker contacted both the firm and the client on 18 June 2009 to determine the heads of complaint and to consider jurisdiction as we needed to be certain that we could deal with the complaint. The firm no longer held the client file and the subject individual the former employee of firm allegedly held the files and no longer had them. The caseworker contacted the FOS in late June 2009 to see if they would share the content of their investigation into the matter with us. They informed caseworker that they would need a letter of authority from the client to divulge anything to us. We received the firm response to the complaint in August 2009 and from that response the caseworker concluded that the advice did in fact emanate from the subject firm. The client also wrote to the FOS in August 2009 to authorise the release of their file.</p> <p>The delays in this case occurred in the following areas:</p> <p>The policy was under trust and the clients wrote directly to the FOS with authority to release their file to us but the FOS insisted that they needed additional written authority from the other trustees on the policy before they would release anything to us or the client. We also needed surrender values and information about further options to reinstate the policy if necessary. These were non standard terms as the administration of this policy was taken over by another insurer and any quotes would need to be manually calculated. The systems used to work out the quotes originally were legacy systems and were no longer maintained by the original and subsequent insurer. These difficulties extended the investigation by about 12 weeks whilst the client contacted the trustees and got them to sign authorities and then obtained quotes from the insurer and instructed the FOS to release their file .We eventually received the surrender values mid October 2009 and the FOS file 25 January 2010.</p> <p>Delays also occurred because of the need to seek direction from an Adjudicator and senior case workers over several meetings to discuss and resolve what we needed to quantify the financial loss. There are no standard calculations for cases like this, unlike endowment mis-selling complaints. This slowed the progress of this investigation somewhat. The LCS has no standard forms for collating the financial and personal data that we would need to gather from the customer to determine how the complaint could be resolved and the investigation in the caseworkers view was extended by approximately 4 weeks because of this.</p>	<p>Yes</p>
<p>Case 14 (WIP)</p> <p>The complaint was on 30 March 2009 and it was allocated to caseworker on 5 May 2009. Initial letters were sent on 12 May and the subject firm was asked to respond by 26 May 2009.</p> <p>The subject firm wrote on 13 May 2009 and asked for an extension of an additional 7 days on top of the standard 14 days in which to respond. They explained that they didn't have the file as it was with the client. Between 18 and 21 June 2009, the caseworker tried to contact the customer's current solicitor to ask that a copy of the file be sent to the subject firm.</p> <p>On 21 May 2009, the caseworker wrote to the subject, confirming their agreement to an extension until 16 June 2009. Subject firm wrote on 16 June and said that response would be sent on 18 June. However, on 18 June, subject firm advised that response would be sent on 24 June, explaining that it was taking longer than they had anticipated to form a response. Response was received on 26 June 2009.</p> <p>The caseworker was absent from the office between 6 - 10 July and was then on annual leave between 13 and 17 July 2009. On 30 July 2009, the caseworker wrote a further letter to the subject firm and asked for additional information by 13 August 2009.</p> <p>The subject firm wrote on 13 August and advised that a response would be sent by 20 August 2009. The subject firm then wrote on 21 August and advised that they would respond by 26 August 2009.</p> <p>The caseworker was on annual leave between 24 August and 14 September 2009. A failure to reply letter was sent to the subject firm on 15 September and they were asked to respond by 22 September 2009. A response was received on 21 September 2009.</p> <p>The caseworker confirmed their conclusions in a letter, dated 14 October and asked the subject firm to make an offer by 21 October 2009. The subject firm responded on 16 October, but the letter didn't reach us and we weren't aware of this until 3 November 2009.</p> <p>On 29 October 2009, the LCS wrote to both parties to advise that the caseworker was absent from the office on sick leave and wasn't expected to return until 16 November 2009.</p> <p>The subject firm made an offer on 9 November. The customer's solicitor wrote on 10 November 2009 and confirmed that their client's rejection of the offer and asked for an opportunity to respond to the caseworker's conclusions.</p> <p>This file was reallocated on 13 November 2009 the new caseworker gave the customer's solicitors until 27 November 2009 in which to respond.</p> <p>The caseworker chased for a response from the customer's solicitor on 10 December 2009 and pointed out that although the previous caseworker had identified a service failure, they hadn't commented upon it in her recommendations. The caseworker therefore revised their recommendations and asked for a response by 17 December 2009. An extension was then granted until 8 January 2010 at the customer's solicitor's request. A response was received on 18 January 2010.</p> <p>The caseworker was absent from the office on sick leave from 11 December 2009 and didn't return until 11 January 2010. The caseworker confirmed her views in respect of the customer's additional comments by letter, dated 21 January 2010. The caseworker put a revised offer to the customer's solicitor and asked for a response by 4 February 2010. The caseworker chased for a response on 8 and 10 February, and response was received on 15 February 2010.</p> <p>The caseworker requested from the customer's solicitors, details of distress and inconvenience (which wasn't received until 19 March 2010) and they then confirmed their views on 10 March 2010. The subject firm was asked to make a revised offer by 17 March 2010.</p> <p>A new caseworker was then allocated the case on 12 March 2010 due to the previous caseworker starting maternity leave.</p> <p>On 17 March 2010, the subject firm asked to see the documents which had led to the previous caseworker to alter her views, which the caseworker provided on the same day and arranged to speak to them about again on 19 March, but was then advised that they hadn't had a chance to look at it. The caseworker therefore arranged to speak to them again after annual leave. Caseworker was on annual leave between 22 and 26 March 2010.</p> <p>Upon returning from annual leave, the caseworker tried to speak to the subject firm and a revised offer was made on 31 March, which the caseworker advised the customer's solicitors of by letter, dated 1 April 2010. They are due to respond by 12 April 2010.</p> <p>The caseworker has not as yet received a response from the customer's solicitors, but this isn't due until 12 April 2010. The offer is within the caseworker's recommendation so if the customer decides to reject it, it will be closed under the reasonable offer made procedure.</p>	<p>No</p>
<p>Case 15 (Closure)</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 as 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>	<p>No</p>

Cases Over 12 Months

Reasons for cases being over 12 months		Justified?
Case 16 (Closure)	<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>	No
Case 17 (Closure)	<p>The complaint was received on 23 March. It was passed to outsourcers on 2 April. The outsource firm failed to illicit a reply from solicitors. The matter was then passed back to LCS on 26th May. (7 weeks with outsource firm)</p> <p>The file was then allocated to a caseworker on 3rd June, at which point there still had been no response from the subject firm. (6 weeks)</p> <p>S44b sent 20 July to SRA. Still there had been no file sent despite SRA chasing. Eventually the caseworker received the file on 5 January 2010 (5 1/2 months)</p> <p>The caseworker drafted a letter report which was sent on 22nd January (2 weeks from receipt of file). The report was passed to the adjudication team 22nd February (further time given on response as it was necessary to split the liability of partners in the firm).</p> <p>The file was fast-tracked at Adjudication as 12 month deadline approaching. The adjudicator made their decision on 11th March. The decision was sent to both parties on the same day. 2 weeks allowed for compliance. File went two days over 12 months.</p>	Yes

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

Glossary

Term	Definition
Enquiry	A matter where we provide information, clarification or explanations of jurisdiction
Complaint	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
Age Profile	<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 & over = 366 days & over</p>
6 Month Rollover	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
9 Month Rollover	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
Establishment	Number of FTE posts within the budget
Permanent Staff	Staff as FTE employed by The Law Society as at a particular point in time who have a permanent contract
Temporary Staff	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
Staff In Post	Staff as FTE employed at a particular point in time
Starters	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
Leavers	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
WIP	Work In Progress - All cases received but not yet resolved, including new complaints awaiting allocation to a caseworker.