

**2010 Performance Update
Legal Complaints Service**

May-10



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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?
74%	74%	60%	14%	✓

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

This Month	YTD	Plan	Variance	Being Met?
92%	91%	80%	11%	✓

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

This Month	YTD	Plan	Variance	Being Met?
99.7%	99.8%	99.0%	0.8%	✓

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?
76%	85%	80%	5%	✓

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?
£1,182	£6,056	£6,394	-£338	✓

* Figures shown in £1,000's

Preparation for Handover & Closure

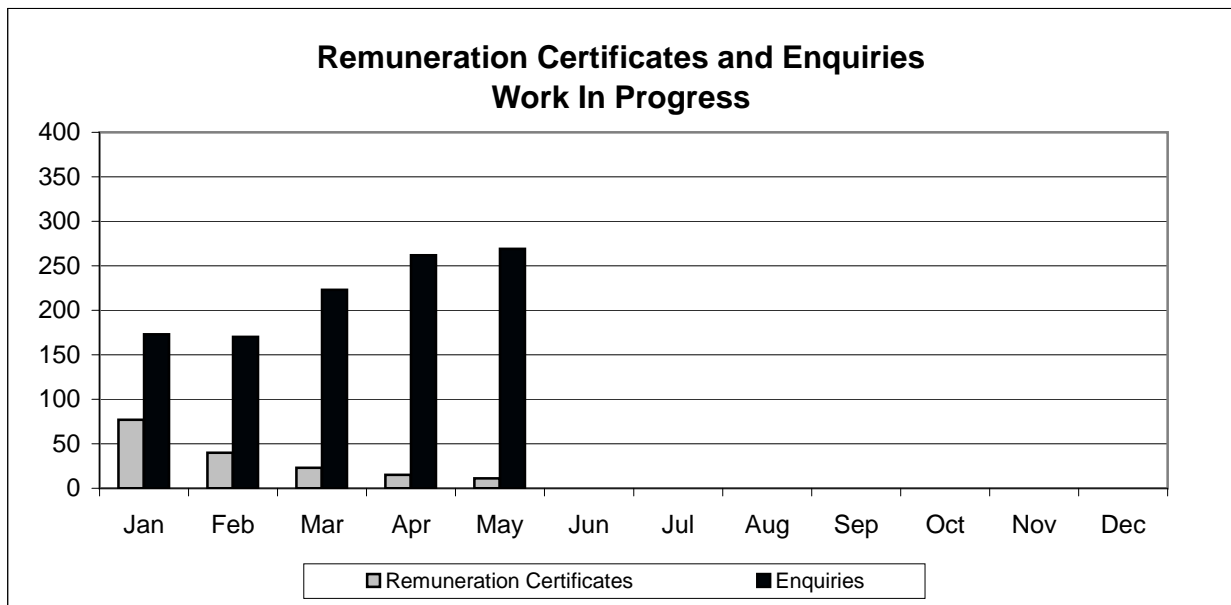
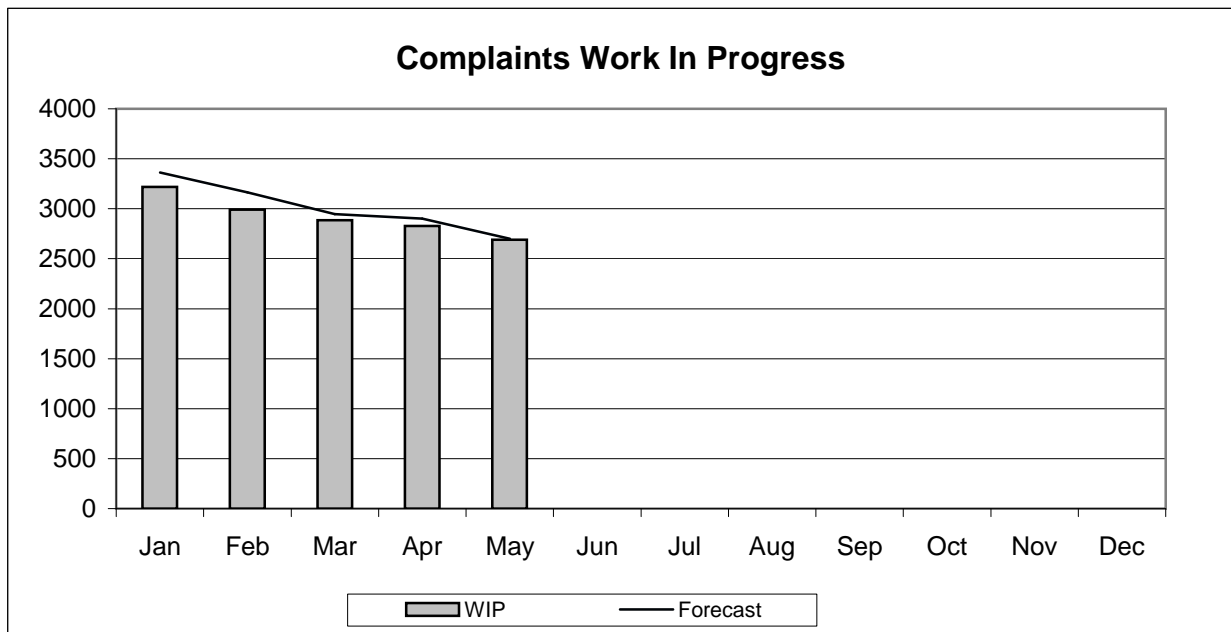
H1: Optimise total number of cases in progress (Caseload)

Month End	YTD Plan	Variance	Being Met?
2689	2804	-115 (-4%)	✓

Summary Throughput

Throughput	WIP Brought Forward	Cases Received	Cases Closed	WIP Carried Forward	WIP Movement
Complaints	2827	1016	1154	2689	-138
Remuneration Certificates	15	5	9	11	-4
All Enquiries	262	429	422	269	7
Total	3104	1450	1585	2969	-135

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	1022	999	1133	1132	1043	1049	1206	1061	1030	758	509	429	5329
Actual Receipts	1191	1091	1292	990	975								5539
Variance	169	92	159	-142	-68								210
% Variance	17%	9%	14%	-13%	-7%								4%
Forecast In House Closures*	936	933	1087	1059	1007	1158	922	653	761	753	756	632	5022
Forecast Outsource Closures*	200	200	200	200	250	250	300	300	350	350	400	400	1050
Total Closure Forecast	1136	1133	1287	1259	1257	1408	1222	953	1111	1103	1156	1032	6072
Actual In House Closures	1119	1040	1158	893	871								5081
Actual Outsource Closures	123	150	160	148	210								791
Total Actual Closures	1242	1190	1318	1041	1081								5872
Variance	106	57	31	-218	-176								-200
% Variance	9%	5%	2%	-17%	-14%								-3%
Forecast WIP	2815	2697	2578	2578	2440								
Actual WIP	2831	2732	2706	2655	2549								
Variance	16	35	128	77	109								
% Variance	1%	1%	5%	3%	4%								

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	808
Actual Receipts	68	79	63	57	41								308
Variance	-54	-66	-118	-157	-105								-500
% Variance	-44%	-46%	-65%	-73%	-72%								-62%
Forecast Closures	96	66	72	70	57	62	63	50	59	59	49	42	361
Actual Closures	248	208	142	65	73								736
Variance	152	142	70	-5	16								375
% Variance	158%	215%	97%	-7%	28%								104%
Forecast WIP	532	466	368	324	260								
Actual WIP	388	259	180	172	140								
Variance	-144	-207	-188	-152	-120								
% Variance	-27%	-44%	-51%	-47%	-46%								

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.

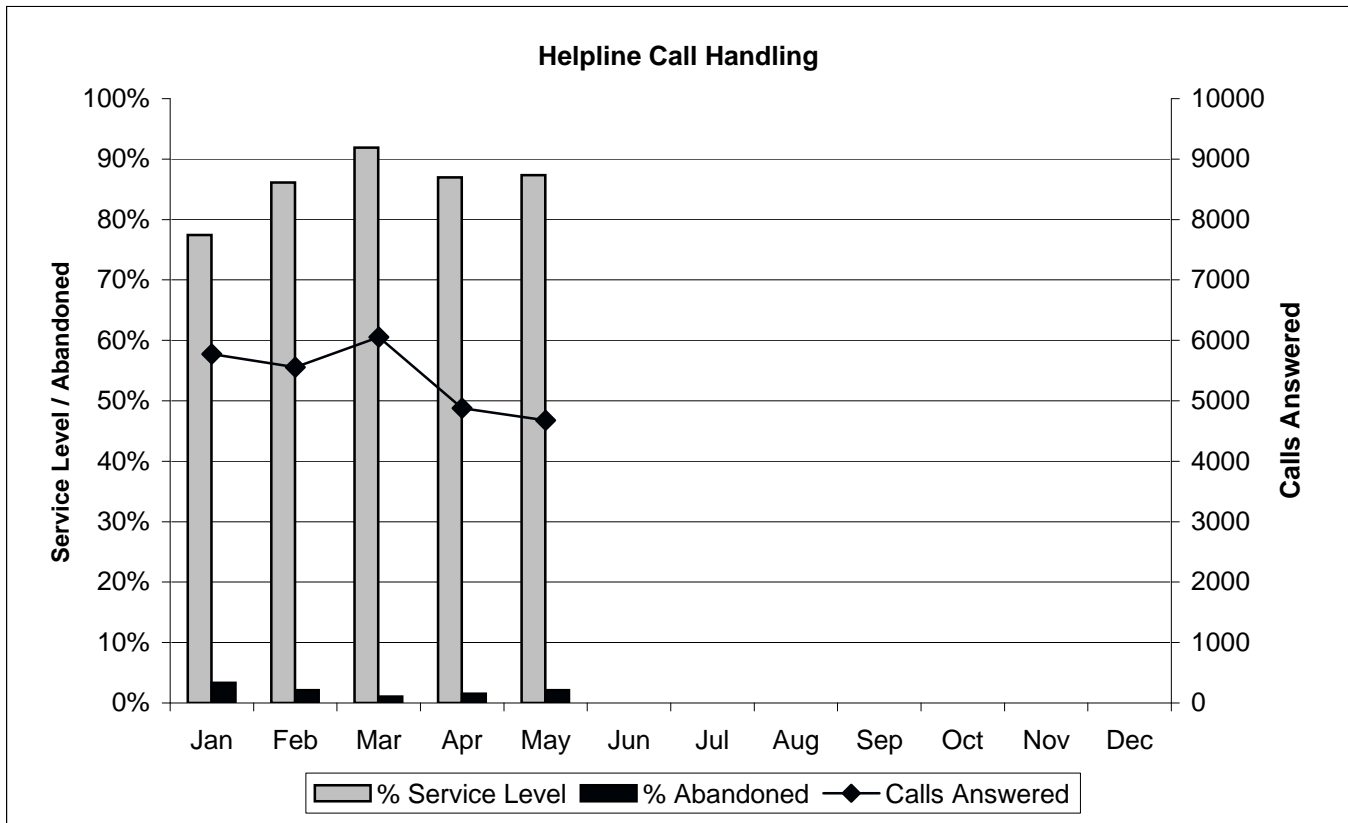
The forecast figures will be revised at the end of each quarter to ensure that they remain on track.

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	2039	1898								2063
4-6 mths	646	583	500	528	521								556
7-9 mths	247	219	185	189	198								208
10-12 mths	98	82	56	53	56								69
All >12 mths	48	27	27	18	16								27
Insurers > 12 mths	34	16	12	5	4								14
Coal Health > 12 mths	3	1	1	1	0								1
Total WIP	3219	2991	2886	2827	2689								2922
WIP Forecast	3362	3163	2946	2903	2700								3015
Rollover 6 mths	104	108	69	90	90								92
Rollover 9 mths	49	40	24	35	29								35

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	1570	0	0	28279
Calls Accepted	5972	5676	6122	4955	4778								27503
Variance	177	-210	147	-459	-431								-776
% Variance	3%	-4%	2%	-8%	-8%								-3%
Calls Answered	5774	5556	6056	4879	4677								26942
Calls Abandoned	198	120	66	76	101								561
% Abandoned	3%	2%	1%	2%	2%								2%
% Service Level	77%	86%	92%	87%	87%								86%



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	1359	1167								6473
Closed to Date	1056	950	869	1049	858								4782
Percentage	70%	75%	75%	77%	74%								74%

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	1509	1272								6255
Closed to Date	1060	1053	1026	1399	1165								5703
Percentage	89%	89%	92%	93%	92%								91%

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	1341	1318								6459
Closed to Date	1183	1088	1502	1337	1312								6422
Closed Percentage	99.00%	99.18%	99.60%	99.70%	99.54%								99.43%
Exceptions Insurers	1	2	0	0	0								3
Exceptions Coal Health	5	0	0	0	0								5
Exceptions Other	4	5	3	1	2								15
Total	1193	1095	1505	1338	1314								6445
Percentage	99.83%	99.82%	99.80%	99.78%	99.70%								99.78%

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	120	31	27	0	0	0	0	0	178
Transfers	0	1	3	3	3	9	9	16	44
Total	120	32	30	3	3	9	9	16	222
Percentage	54%	14%	14%	1%	1%	4%	4%	7%	

Customer Satisfaction

Customer Satisfaction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Forms Sent	819	796	877	608	664								3764
Forms Returned	358	353	307	273	233								1524
Response Rate	44%	44%	35%	45%	35%								40%
Satisfaction (Service)	90%	88%	87%	82%	76%								85%
Satisfaction (Outcome)	84%	83%	78%	74%	67%								78%

LCS Budget

	Adjusted Budget	YTD Budget	YTD Actual	YTD variance	Variance %
EXPENDITURE					
Basic Salaries	-9,727,261	-4,383,809	-4,226,632	-157,177	3.6%
NI / Pension Contributions	-1,794,829	-807,735	-771,840	-35,895	4.4%
Temporary Staff (Agency)	-371,359	-166,574	-85,182	-81,392	48.9%
Total Paybill	-11,893,449	-5,358,118	-5,083,654	-274,464	5.1%
Other Staff Costs	-55,200	-280	-52,898	52,618	-18792.1%
Total Staff Expenditure	-11,948,649	-5,358,398	-5,136,552	-221,846	4.1%
Printing, Stationery, Postage & Telephone	-250,990	-104,505	-50,739	-53,766	51.4%
Travel & Subsistence & Entertaining	-95,640	-32,555	-27,494	-5,061	15.5%
Ousourcing	-3,501,920	-1,459,130	-724,953	-734,177	50.3%
Administration costs	-337,496	-135,061	-128,667	-6,394	4.7%
LSCC Fee	-75,000	-75,000	-77,379	2,379	-3.2%
Total Non-Staff Expenditure	-4,261,046	-1,806,251	-1,009,232	-797,019	44.1%
Gross Expenditure	-16,209,695	-7,164,649	-6,145,784	-1,018,865	14.2%
INCOME					
Income	267,252	122,710	89,628	33,082	27.0%
Net Expenditure	-15,942,443	-7,041,939	-6,056,156	-985,783	14.0%

Staffing

Staffing	Management	Casework	Support	Total
Current Establishment	53.29	205.50	83.43	342.22
Permanent Staff	44.29	150.59	63.24	258.12
Temporary Staff	0.00	0.80	4.50	5.30
Total Staff in Post	44.29	151.39	67.74	263.42
Variance	-9.00	-54.11	-15.69	-78.80
% Variance	-16.9%	-26.3%	-18.8%	-23.0%
Starters	0.00	0.00	0.00	0.00
Leavers	1.00	2.00	3.00	6.00

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	£1,246	£1,238								£6,394
Actual	£1,347	£1,199	£1,202	£1,126	£1,182								£6,056
Variance	£11	-£91	-£83	-£120	-£56								-£338
% Variance	1%	-7%	-6%	-10%	-5%								-5%

LSO Referrals

File Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Complaints	87	77	110	102	87								463
Enquiry	0	0	1	1	0								2
Remuneration Certificates	0	0	0	0	0								0
Total	87	77	111	103	87								465
LSO Referrals %	5%	4%	6%	7%	5%								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	9	50								298
	74%	76%	79%	60%	67%								75%
Critical	7	5	4	1	1								18
	12%	6%	2%	7%	1%								5%
Reconsider	8	13	25	1	20								67
	14%	15%	15%	7%	27%								17%
Reconsider & Compensate	0	2	2	1	2								
	0%	2%	1%	7%	3%								0%
Compensate	0	0	4	3	2								9
	0%	0%	2%	20%	3%								2%
Total	58	85	166	15	75								399

Cases Over 12 Months

Reasons for cases being over 12 months	Justified?
<p>Case 1 (WIP)</p> <p>This file was a reallocation at the point it was transferred it was 5 months old. The new caseworker has only been in the team for 3 weeks and therefore I was unaware of the age of the file until her move and the decision to transfer the file had been taken by her previous manager. However, I do not believe that exceeding the 12 months is justified. It is clear that the matter was ready for a report on 20 March 2010. It was not until 12 April that it was decided to move the file to a more experienced c/w and this did not actually happen until 16 April. Had the report been started on 20 March it is entirely feasible that the matter would have been closed by 20 May. In addition, there are some elements of delay - for instance, the offer from the insurers was rejected by the customer on 30/10 but this was not put to the insurer until 27/11. Whilst this is within the 30 days that some caseworkers seem to believe that they have to deal with any correspondence, it is 4 weeks added onto the timescale.</p>	<p align="center">No</p>
<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>	<p align="center">Yes</p>
<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>	<p align="center">No</p>
<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>	<p align="center">Yes</p>
<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>	<p align="center">Yes</p>

Cases Over 12 Months

Reasons for cases being over 12 months		Justified?
Case 6 (WIP)	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.	Yes
Case 7 (WIP)	Customer is a prisoner, so communication takes slightly longer anyway, but there was an initial delay of 1 month in July 2009 due to the sols being on sick leave. Sols eventually replied in Aug 2009 and they were asked them for further information in August 2009. The sols made a service complaint in Sept 2009, which held up work on the file for 1 month in September 2009. The provisional conclusions were sent out to both parties in October 2009 and the file was reallocated in November 2009. The new caseworker then went on sick leave in December 2009 and the file was reallocated in December 2009. The sols made a Stage 2 service complaint in December 2009 which delayed progress on the file till the service complaint was determined at the end of January 2010. The conclusions were sent to the sols in March 2010 and they failed to reply, so she prepared a report and disclosed it in April 2010. The delay has been caused by the sols not cooperating, including making 2 service complaints, by caseworker sickness, sickness by the sols, and by changes of caseworker (twice), so in my view it is justifiable.	Yes
Case 8 (WIP)	This file was previously with a caseworker who has now left the organisation. It was reallocated on 27 April 2010, by which time the file was 11 months and 2 weeks old. The history of the file up to this point was that it was about to be closed by the original caseworker in March. A service complaint was then passed to the Customer Services Manager, David Clare and it became clear that neither the previous CCC caseworker nor the Complaint Centre caseworker had fully understood the customer's complaint and had taken investigation down an incorrect path. The file has now been reviewed in full and it is considered that there are issues of poor service that require resolution, most probably by way of Adjudication but also, potentially, consideration by one of our Negligence Panellists. It is anticipated that it will take another 2-3 months to draw all these matters to a conclusion.	No
Case 9 (WIP)	Following a previous complaint the customer contacted us on 28/02/09 requesting that we re-open our file. We delayed in arranging this with the file being reopened 8 weeks later on 27/04/09. On 16/04/09 the customer agreed that the matter be referred to an LCO to help the caseworker establish the background to the complaint. That referral was made on 06/05/09. The LCO's report was received 10 weeks later on 23/07/09 and the customer notified on 24/07/09. There was then a delay of 13 weeks with no substantive progress made by the caseworker until the matter was referred to a negligence panellist on 04/11/09. The customer decided not to pursue a negligence claim and on 19/01/2010 was advised that a preliminary report would be prepared regarding the complaint and a related complaint which was being investigated in parallel by the caseworker. The report was passed to a senior colleague to review 12 weeks later on 27 April. The investigation of this matter remains ongoing and is anticipated to conclude by 28/05/10. Exceeding the 12 month time limit for investigation is not justified in relation to this complaint due to unreasonable delay on the part of the caseworker. The caseworker is arranging for a compensatory payment to be made to the customer for failings in the LCS' service.	No
Case 10 (WIP)	Involves an insolvency practitioner as subject solicitor and should from day one have been allocated to one of the dedicated caseworkers dealing with this work. Designations failed to spot this and file was outsourced to Gordons. They investigated and wrote on 16 July 2009 to BDB saying no evidence of IPS and will close unless they hear to contrary within seven days. No response so closed on 24 July. On 31 July BDB respond saying both fee earners dealing with matter were away when the two letters were received and can they have an extension. The seven days given in Gordon's pre closure letter is a short period of time but BDB is a solicitor's firm with 139 fee earners and can surely be expected to have some one reading incoming correspondence and at the least responding to Gordons saying both staff who know of the matter are away and can an extension be granted. I would suggest that the closure can therefore be supported. Subsequently on 24 August BDB respond with a substantive letter and without getting the file reopened on ROAD, Gordons took the investigation forward with MDR. On 30 October Gordons returned the file to LCS. It was reopened on ROAD at this point and on 6 November allocated to a caseworker, no new CRO reference was given to the file. This file was reviewed and it was decided that this file should have never been with any caseworker other than one of the dedicated insolvency caseworkers- hence it was reallocated. It seems that this file appears to suggest there is a complex solicitor/ client relationship involving three limited companies and a great deal to get sorted. This is being treated as a priority. On the original date the file will clearly miss the deadline. However, if the file had been renumbered at the end of August when BDB finally responded. There is an argument that the 12 months should run from the August date which may just give us enough time to properly concluded the case.	No
Case 11 (WIP)	This Complaint was received 27 April 2009 and allocated to a caseworker on 29 May. The complaint was raised with the solicitor on 24 June and a response was received on 9 July. The caseworker provided a partial analysis on 28 July and requested further information from the parties. Further detailed comments received from both parties on 7 and 14 August. The caseworker was on annual leave from 1 to 16 September. The Customer sent further comments on 16 September and a further analysis was provided on 25 September. The Firm requested more time to respond to customer comments because of the volume supplied by customer on 8 October. A conciliation discussion on 14 October with the firm began the process of discussing settlement proposals. By Mid October - attempts begin to manage customer's expectations around our approach and to limit the volume and detail that she is expecting us to deal with. The Customer challenged our approach in mid November. The Solicitor provided a detailed response in late November and made an offer to settle. The Solicitor was advised on 16 Dec that the offer not acceptable. Further discussions take place in Jan 2010. The Firm made a revised offer on 9 Feb. This was again rejected but on pressing firm the caseworker got a significantly increased offer in the extremely serious category from firm. The Customer rejected this and the caseworker then prepared a report for adjudication. The Report was submitted for approval to a casework adviser on 11 March. The Reviewer made substantive changes but also questioned the decision in not treating the matter as a reasonable offer based on the vastly improved award. The Casework adviser reviewed the file and on 6 April confirmed that the adjudication should not proceed and that the matter should be closed under reasonable offer. Pre Rom sent 12 April. On this basis the file will close just before the 12 month deadline. The Customer called the manager to request an additional week to respond. On the basis that we have given the solicitor multiple extensions of time and have mismanaged the decision making process a week's extension has been agreed that will take the file to just over 12 months old. Manager comments: This file is not a justified old case. The principal reason for this is that the case worker should have taken advice on the increased offer and closed the file under the reasonable offer made procedure in February 2010 but instead 2 vital months were lost as a report was drafted and reviewed. In terms of context however it is fair to say that the file will only be 12 months old for about a week before it can be closed and therefore the timing is somewhat unfortunate, and the overall impact in terms of the investigative length is not an issue for the customer or solicitor at all.	No

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. 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 (Closure)</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>	<p>Yes</p>
<p>Case 14 (Closure)</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>yes</p>
<p>Case 15 (Closure)</p> <p>Complaint received 18 May 2009. Allocated 9 June 2009 and first substantive response 16 June 2009. Customer acknowledged our understanding of the issues on 29 July 2009 and matter raised with firm on 22 September 2009. I find 4 months to get to this stage excessive despite the delay on part of customer coming back to us. The issues could have been raised with the firm much sooner.</p> <p>Caseworker spoke to customer on 2 October 2009 seeking the file. She also explained to sol that if file not rec'd she would close the file. File rec'd 17 November 2009, copied and returned to customer. Caseworker wrote to customer on 17 December with views on the file. Comments sought from solicitors same day. As it proved necessary to consider the complete file of papers I do not find the additional time of 2 months to raise additional issues with the firm as excessive.</p> <p>Solicitors chased on 19 January 2010. No reply so report prepared and disclosed on 9 February 2010. Report referred to Adjudication on 8 March 2010.</p> <p>It transpired on 7 May 2010 that papers had not been received by the Adjudication team. Accordingly papers were re-submitted and decision made on 10 May 2010. The misplacing of the report and failing to understand it had not been received by the Adjudication team meant that a crucial period of delay of 2 months elapsed.</p> <p>Solicitors were unable to confirm they were unable to comply with the report and as such it became impossible to close the file until 27 May 2010, 9 days after the 12 month deadline.</p> <p>I take the view that the initial tardiness, and the failure to check that the Adjudication team had not rec'd the papers meant that 3 to 4 months of avoidable delay occurred. I therefore fine that it was not justified that this matter went beyond the 12 month period. Our procedures in checking for receipt of papers by the Adjudication team have now been tightened up.</p>	<p>No</p>
<p>Case 16 (Closure)</p> <p>The LSOs 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>	<p>Yes</p>

Cases Over 12 Months

Reasons for cases being over 12 months	Justified?
<p>Case 17 (Closure)</p> <p>The file was created 08 May 2009. The file relates to a complaint made by 7 out of 12 clients in a group action. Communication was generally with one member of the group although all of the others provided information and requested updates. There were in excess of 20 complaints and these were clarified with the customer on 3 June 2009. The customer provided further clarification on 8 June and 5 July 2009. The complaints were then raised with the firm on 21 June 2009 and their initial response was received on 31 July 2009. A voluminous folder of documents was provided with their response. I provided my views on 2 October 2009 and after repeated attempts of conciliation and clarification it became evident that this matter would need to progress to adjudication. A letter report was prepared 25 January 2010. The comments received on this necessitated a supplemental report which was disclosed 26 February 2010. The Solicitors provided further comments and enclosed a further large bundle of documents that had not previously been disclosed. A further supplemental report was therefore required and was sent 19 March 2010. In the case of each of the 3 reports the parties needed to be given time to comment. The Adjudicator's decision was made on 26 April 2010.</p> <p>Poor service was identified. The solicitors have disputed that they provided a poor service from the outset. They have not complied with the Adjudicator's decision and on 18 May 2010 submitted a pre-action protocol letter explaining their intention to challenge the decision by Judicial Review. The file was closed on 24 May 2010 pending this challenge being dealt with.</p>	<p align="center">Yes</p>
<p>Case 18 (Closure)</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</p>	<p align="center">Yes</p>

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.