

**Not to be used before 00:01 hours, 7 June 2012**

## **GIVE NON-CLIENTS ACCESS TO LEGAL OMBUDSMAN, SAYS CONSUMER PANEL**

The Legal Services Consumer Panel is today urging the Legal Ombudsman to accept, in some circumstances, complaints from ‘third parties’ – individuals who are not the lawyer’s client.

The think-piece paper forms part of the Panel’s response to the Legal Ombudsman’s consultation on its scheme rules, which includes proposals on third party complaints. It proposes creating a general right for third parties to complain, except in situations where this would impair the proper pursuit and administration of justice.

The paper suggests a range of scenarios where there would appear to be good grounds for giving third parties a right of redress through the Legal Ombudsman:

- Where legal work is intended to benefit consumers, but they are treated as third parties due to the nature of the contract or business structure, e.g. a remortgage when the legal work is arranged by the lender, and sub-contracting arrangements by unregulated businesses;
- Hounding tactics by lawyers acting on behalf of corporate clients;
- Bad treatment of victims and witnesses in the criminal justice system;
- Non-contentious matters where both the client and third party lose out, e.g. a delay in a conveyancing transaction because the seller’s lawyer loses some paperwork causing detriment to the buyer (a third party);
- Personal information is compromised due to a data security breach;
- Beneficiaries when they experience problems due to a defective will; and
- Lawyers working on matters concerning groups of people where the work is arranged by another party on their behalf or in their name, e.g. leaseholders or unsecured creditors.

Commenting on the paper, Elisabeth Davies, Chair of the Legal Services Consumer Panel, said:

*“If you’ve experienced poor legal services and suffered detriment then you should be able to obtain a remedy. It’s wrong that some consumers cannot*

*currently complain to the Legal Ombudsman due to technicalities which they don't even know about. While in some situations the case for giving third parties the right to complain is clear cut, in other circumstances, such as the treatment of victims and witnesses, the arguments are more finely balanced. The Consumer Panel's paper aims to stimulate an open debate about where the Legal Ombudsman's boundaries should properly lie.*

*"Denying third parties access to redress also creates weak incentives for firms to behave fairly and is a missed opportunity for lawyers to learn from their mistakes."*

**-ends-**

**For more information, contact Steve Brooker, Consumer Panel Manager, on 020 7271 0077.**

### **Notes to editors**

1. The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.
2. The Panel's report can be found here [http://www.legalservicesconsumerpanel.org.uk/publications/research\\_and\\_reports/index.html](http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/index.html)
3. The Legal Ombudsman's consultation can be found here <http://www.legalombudsman.org.uk/downloads/documents/consultations/Final%20draft%20scheme%20rules.pdf>.