



The Bar Council's response to the Office for Legal Complaints draft business plan and budget 2025/2026 consultation

This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the Office for Legal Complaints draft business plan and budget 2025/26 consultation.¹

The Bar Council is the voice of the barrister profession in England and Wales. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that aims to be strong, inclusive, independent and influential. As well as championing the rule of law and access to justice, we lead, represent and support the Bar in the public interest through:

Providing advice, guidance, services, training and events for our members to support career development and help maintain the highest standards of ethics and conduct

- Inspiring and supporting the next generation of barristers from all backgrounds
- Working to enhance diversity and inclusion at the Bar
- Encouraging a positive culture where wellbeing is prioritised and people can thrive in their careers
- Drawing on our members' expertise to influence policy and legislation that relates to the justice system and the rule of law
- Sharing barristers' vital contributions to society with the public, media and policymakers
- Developing career and business opportunities for barristers at home and abroad through promoting the Bar of England and Wales
- Engaging with national Bars and international Bar associations to facilitate the exchange of knowledge and the development of legal links and legal business overseas
- To ensure joined-up support, we work within the wider ecosystem of the Bar alongside the Inns, circuits and specialist Bar associations, as well as with the Institute of Barristers' Clerks and the Legal Practice Management Association.

As the General Council of the Bar, we are the approved regulator for all practising barristers in England and Wales. We delegate our statutory regulatory functions to the

¹ [Consultation](#)

operationally independent Bar Standards Board (BSB) as required by the Legal Services Act 2007.

Strategic objective and aims for LeO's service

1. Do you support the OLC's draft 2025/26 business plan to deliver this objective?

Strategic Objective for LeO's service: LeO resolves complaints fairly and effectively, providing an excellent customer experience

We will deliver an efficient and proportionate service

We remain of the view that resolving complaints fairly and effectively and providing an excellent customer experience is and should remain the key priority for the Legal Ombudsman (LeO). It is encouraging that LeO has made a sustained change in annual output in terms of complaints resolved. However, we note that the average end-to-end customer journey time for cases of all complexities is under 300 days, with almost half of LeO's cases now being resolved in under 60 days. While this is an improvement, 50% of cases taking 60 days or longer is still a significant period of time for customers and service providers to wait to have their complaints resolved. While we appreciate the many different factors that contribute to longer wait times, it must be the focus of LeO to improve its waiting times even further.

We would welcome further information on the inclusion of responding to 120,000 contacts in the business plan. As we understand from the recent stakeholder meeting on the draft budget consultation, these contacts are not yet customers of LeO and might be members of the public enquiring about something unrelated to legal services or that need guidance on the complaints process. We also heard at the meeting that five full-time members of staff are employed to deal solely with these contacts. The allocation of this level of resourcing to this task seems disproportionately high. We think LeO should consider filtering out the queries that are out of scope to reduce the number of calls received. For example, it could look into simple technological solutions such as automated voice messages directing people to the relevant parts on the Legal Ombudsman website. On the Bar Council's ethics enquiries line, for example, there is a clear notice on the website and on the telephone line that outlines the scope of the service and who it is for.

We know that LeO is having to resolve an increased number of complaints, but simply employing further staff has not yet significantly reduced the number of complaints nor wait times. LeO has requested budget substantial increases for successive years and following recruitment drives, it should be well staffed. Work to improve retention, for example through the new induction programme, should have reduced staff churn. If LeO is still unable to manage the current caseload without additional investigator resource, we question whether a new strategy is needed. Rather than investment in new investigators, we would like to see LeO focus on increasing productivity within the existing resource. We would

welcome further information on the productivity of the current investigators and how many cases they are resolving per month.

We acknowledge that LeO will act on the findings of the lean review, with a focus on improving the investigations process. As the demand for investigations is vulnerable to increase further, it is critical that LeO prioritises developing new efficiencies within the investigations process.

We are not in favour of the proposal to recruit more investigators. Nor are we supportive of approximately a quarter of the planned additional investigator resource being allocated to supporting Artificial Intelligence (AI) development and learning and insight interventions. No work on these areas should be contemplated until the point that the resolution of complaints is efficient and the backlog is under control.

We see that LeO aims to research, develop and test AI solutions to reduce waiting times more quickly by reducing administration time. We are interested to know what the estimated timescale and cost of incorporating technological solutions is. We would also like to know whether there will be a testing phase to ascertain its effectiveness before a commitment to expenditure is made. If it is excessively costly we would not support it.

Investment in generative AI does also not seem a proportionate use of LeO's time and resources. For example, LeO aims to use AI to produce first draft summaries of Ombudsman decisions. As LeO acknowledges, this is a highly skilled task, and LeO would need to be careful to ensure that published summaries do not include material subject to Legal Professional Privilege. Summaries of individual decisions are often fact-specific and therefore the benefit to customers and legal professionals is unlikely to be widespread. It is unclear how the development of this AI tool would reduce the backlog of complaints or assist LeO in developing efficient investigations.

We will give fair, high-quality outcomes that make a difference

As we stated in last year business plan consultation response,

“We agree with this aim as it feeds into the overall strategic objective of resolving complaints fairly and effectively, providing an excellent customer experience. We also agree that it is fundamental that every complaint receives a fair and reasonable outcome, and that all consumers and service providers feel that it is a fair decision. To this end, it makes sense to ensure that the quality assurance arrangements are proportionate and appropriate, and that customer feedback is drawn upon to inform improvements to the service.”

However, while it is important to have internal quality assurance processes and seek feedback from consumers and service providers, the range of approaches envisaged in the budget proposal for 2025/26 seems disproportionate to the benefits they could achieve. Taken together, the proposals of obtaining feedback, seeking the best ways to obtain feedback and encouraging feedback (among others), is likely to be resource intensive and therefore costly. While seeking feedback is important, it should not detract from the overall

core business of resolving complaints. We have concerns that some feedback could be biased by what the complaint outcome was for the complainant. Therefore, while seeking feedback is important, we think it is unnecessary to adopt the range of approaches envisaged in this business plan.

We will be accessible to everyone who needs us

We agree with the focus of this aim. We support the initiatives that help provide an accessible service to all customers. We note that improvements were made to LeO's website so that it is easier to navigate and support further work on this.

Question 2

Do you support LeO's assessment of the need to invest in resource – and the balance of investment across improving customers' experience, helping the sector prevent demand at source, and being able to realise the benefits of technology?

We believe that LeO's primary focus should be on handling consumer complaints. We do not agree with the plan to increase work on learning, insight and transparency. This would divert resources away from the core business of handling complaints, but also requires a further increase in budget which we cannot support. Before requesting increased resources, LeO should first look at the resources already at its disposal and consider whether there are efficiencies that could be found, for example, in staff productivity.

We note that LeO has been awarded significant budget increases previously (13% for 2021-22, 5.8% for 2022-23 and 9.6% for 2023-24) yet the queue of unallocated complaints remains at a high level. Though the operational resource has not been increased more recently, before turning to yet another budget increase we would urge LeO to focus on current investigator retention and productivity.

We are concerned about the increases in the overall cost per case. In particular, we are concerned about the jump from the £127 cost per contact increasing to £165. We would welcome further information on this prediction. We would encourage LeO to examine in more depth the unit cost per case and whether the time and resource allocated to each case is proportionate to moderate outcomes such as an apology for the end user.

Strategic objective and aims for LeO's impact in 2025/26

Question 3

Do you support the OLC's draft business plan to deliver this objective in 2025/26? What opportunities are there for collaboration to drive higher standards and better outcomes?

We remain concerned about the appropriateness of implementation of the second strategic objective when there remains substantial work to be done under the first strategic objective. We reiterate our view that the primary objective of LeO needs to be managing and dealing

with cases efficiently and effectively. LeO's backlog of cases has not been reduced to a level where we can support a significant investment in time and resource into the second strategic objective.

We will build LeO's profile and impact as an independent voice for improvement

We are concerned about the aim to "develop a viable pathway toward delivering meaningful transparency of our Ombudsmen's decisions". We explain our concerns in response to question 5.

As with all strands under strategic objective two, there needs to be a full cost/benefit analysis of workstreams such as building the readership of engagement channels through the newsletter or sharing insights and experience through mainstream and specialist media. The ultimate role of LeO, as laid down in statute, is to resolve complaints. It is unclear to what extent that these practices will reduce the number of complaints being referred to LeO.

We will share learning and insights that help lead to better legal services for consumers

We agree with the overall aim of constantly ensuring that consumers receive the best legal services. However, we are unsure that the priorities stemming from this overall aim will achieve this.

As an example, the aim to publish quarterly updates to identify trends and developments to help prevent complaints is likely to be resource intensive and it is unclear whether there is any evidence that this will be helpful or not. LeO already has a wealth of information about the areas of law and types of conduct which attract the most complaints and the particular service providers that provide a higher level of complaints to LeO than others.

In a similar vein, an annual report of complaint trends is unlikely to deliver great benefits. Legal professionals and their support staff are extremely busy and have little time to read and act on such information.

We are more supportive of additional website content such as webinars that may help promote high standards of service. We have found the complaints handling seminar the Bar Council runs annually with LeO to be consistently well attended.

We will use our experience to help legal providers improve their complaints handling

We do not agree with the initiative for LeO to create and implement model complaints handling procedures and standards for first-tier complaints. This should be within the remit of the regulator. The Bar Standards Board (BSB) already has comprehensive guidance for the Bar about complaints handling.² We think that the regulator, who has specialist knowledge of the barristers' profession, to be best placed to develop this.

We are concerned how many of the new workstreams listed under the second strategic objective will be delivered without detracting from the main operational resource and vital

² <https://www.barstandardsboard.org.uk/static/a98439c0-4cb6-4539-984c6a9d939d5e56/First-Tier-Complaints-Handling.pdf>

core function of resolving complaints. For example, exploring the potential and value of good practice networks for service providers and having regular focused engagement with professional bodies and legal providers, appears likely to be resource intensive and it is unclear if it will have the effect of preventing complaints in the long term.

The barrister profession consistently receives a low number of complaints, at around just 4% of all complaints, so it is unlikely to have significant benefit for the barrister profession. Though a comparatively small profession, there are already networks set up to share best practice such as the newly created Chambers Management Professional Working Group,³ which was set up to support barristers and chambers professionals with the effective management of chambers. There are also the Specialist Bar Associations, Legal Practice Managers Association and Institute for Barristers' Clerks. These networks are the best way to support professions with good complaints handling practice.

We are pleased to continue to collaborate with LeO on the Bar Council's annual handling client complaints seminar. A launch of a refreshed complaints handling training and learning offer formed by LeO seems sensible but the implications of charging for this should be considered further. For example, service providers with the largest number of complaints are likely to have more regular engagement with LeO to support their complaints handling standards, they may be less likely to pay for this training. In addition, if a legal services professional receives no or a low number of complaints, they may be less likely to wish to pay to receive training. While we therefore appreciate the intention to not impact the levy, LeO should reflect on the potential impact that charging could have on the number of professionals willing to join the training.

Question 4: Is there anything on the horizon that could influence demand for LeO's service? How could this demand be prevented at source through collaboration or targeted intervention?

We welcome LeO's analysis of the issues that could change demand in the coming months and hope that this will assist LeO in planning how to respond to the potential higher numbers of complaints. With this in mind, we cannot support LeO's increased emphasis on strategy two, when it is likely that the caseload will increase significantly over the coming months and years.

We expect that many of the points raised in the demand section will either not be relevant for barristers or will take longer for the impact to be realised. For example, changes in the political landscape leading to more conveyancing transactions and possibly resulting in complaints or issues such as law firm closures will not be relevant to the Bar.

We are unsure of what further collaboration or targeted intervention would involve and would like more information on this. Would LeO, for example, be targeting the service providers who often receive the most complaints and try to improve their complaints process so in turn LeO receives less complaints. While we understand the aim of this

³ <https://www.barcouncil.org.uk/bar-council-services/for-chambers-and-aetos/chambers-management-panel.html>

approach, we would request that moderate resources are diverted towards addressing problematic service providers before the impact of such an intervention is assessed. The approach should only be continued if it is effective.

Question 5. Do you agree LeO should progress plans as outlined to publish its Ombudsman decisions in full within the life of the 2024-27 strategy? What are your wider views on decision transparency, including the use of summaries, and LeO's transparency more generally?

We are concerned about LeO progressing plans to publish decisions in full. There are two points to consider. Firstly, the resource requirements and mechanisms needed to achieve this, and, secondly, what is the utility in publishing decisions in full for service users and providers. We are not convinced that the significant resources and high costs required to realise this aim would provide benefits that justify the costs. As a minimum, we would urge LeO to undertake a full consultation exercise on this topic before progressing plans in this area.

Clearly, it would be resource intensive to publish full ombudsman decisions (or, indeed, summaries of them). Additional officer/investigator level resource (i.e. three full time staff), IT systems which would cost between £500 – £1 million and legal considerations and challenges estimated in the region of £50,000 would be required. We consider that this is an unacceptable additional cost and burden on LeO when the core demand for LeO's services has increased beyond business forecast. The estimated cost range of between of £500 and £1 million is too broad and too high and raises the question of whether the project has been fully scoped out.

Publication of redacted full decisions or summaries, requires careful consideration of sensitive and privileged information. Inherent in this is the risk that providers or complainants are identifiable, particularly in smaller professions such as the Bar. This could be damaging to both groups and could breach General Data Protection Regulations. LeO already publishes information about final decisions. Before pressing ahead with this new strand of work, we would invite LeO to consult with consumers and service providers to understand the extent to which these are read and the use case for publication, and share this with stakeholders. If the current final decisions are rarely read by stakeholders or consumers, it is unlikely that that publishing case decisions would be a useful exercise.

It Is unclear which stakeholders would find the publication of full decisions useful. For example, it is unlikely that busy professionals who are rarely or never the subject of complaints would take the time to read these publications. In a similar vein, it seems unlikely that the service providers who receive the most regular complaints would take the time to read the publications. Also, there is already a wealth of information on the LeO website on best complaints handling.⁴ This calls into question the utility of the publication of additional information. It is difficult to imagine consumers reading detailed decisions. It

⁴ <https://www.legalombudsman.org.uk/for-legal-service-providers/learning-resources/good-complaints-handling/>

could cause confusion amongst consumers as complaint decisions are determined on their facts and are not binding on precedent. It is possible that publishing decisions in full or summaries of decisions could have an adverse effect and make it more difficult for consumers to understand why their complaint was decided in a particular way and to accept LeO's decision.

More generally on transparency, we have welcomed LeO's approach in recent years to keep stakeholders apprised of the issues facing LeO and the detailed approach to dealing with those, such as the backlog of complaints. However, sharing learning and insights such as full case decisions or summaries of them is very resource intensive. It is disproportionate to put the cost burden for these initiatives on the profession, especially when it is unclear whether they are effective measures or not. Therefore, LeO should concentrate on its core task of resolving complaints which is important for all stakeholders, consumers and the wider justice system.

2025/26 budget

Question 6. Do you support the proposed 2025/26 budget for LeO?

We do not support the 10.2% proposed budget increase. As part of the increase is linked to delivering the second strategic part of the strategy, it is unfair burden ultimately placed on professions (by way of the levy) for LeO to carry out work which we do not consider essential. LeO has been awarded significant budget increases recently (13% for 2021-22, 5.8% for 2022-23 and 9.6% for 2023-24) yet as is stated in the consultation, "LeO can't currently deliver acceptable waiting times to the half of customers relying on it for an investigative outcome".⁵ We also note the annual cost increase for LeO has generally been higher than UK CPI inflation rates since 2019/2020 to 2023/2024 except for the 2021/2022 financial year. LeO must focus all efforts on providing effective and timely resolution of complaints and lowering the investigations pool to an acceptable level before considering the varied and high intensity workstreams as envisaged in the second strategy. This is particularly important when LeO is likely to only see an increase in the complaints it receives and the change in Scheme Rules has not had the immediate effect of reducing customer complaints as previously envisaged.

We accept the wider economic factors at play and the expenditure LeO will incur which would involve an increase of 4.7% budget. However, within this, the "low-discretion increases" are not necessary. For example, £83,000 in IT costs for AI/automation development and software subscriptions is a large amount when it is not yet clear what AI may be able to help LeO achieve. This seems contrary to the full-time staff who are dealing with 'contacts' to LeO when low-level technological solutions could put in place to decrease this number, before turning to complicated AI solutions in other strands of work. We also note £6,500 in other staff costs driven by an increase in occupational health provision. It was our understanding that LeO was benefiting from a full staff contingent, with the recruitment challenges having been overcome and there being a high level of retention. Coupled with

⁵ LeO consultation, page 3

staff wellbeing, we query if the impact on current resourcing needs to be looked at in more detail.

We would like further information on whether LeO has been monitoring the impact of the scheme rules, and whether additional changes might be needed to be consulted on. As we understand, due to various factors, the 10% reduction in new customer complaints received due to Scheme Rule time limit changes has not been realised, and we wonder what is being done to achieve this reduction.

As emphasised in our responses to previous LeO consultations, any proposed increase needs to be considered carefully because it is derived from barristers' practising certificate fees. Any budget increase is therefore directly borne barristers and represents one of many regulatory costs. There is a risk that increases are ultimately passed on to consumers by practitioners raising their fees.

Question 7. Do you agree LeO should increase its case fee to £800 as soon as possible? What wider changes should LeO consider for the level and/or structure of its case fee?

We are not opposed to an increase in case fees as it could encourage early resolution of complaints, and we appreciate that the case fee has not risen since 2010. However, before doubling the case fee to £800, we would suggest that LeO carries out some further research on any possible negative impacts the increase could have on small service providers such as sole practitioners. We question for example, whether smaller chambers or sole practitioners might be encouraged to resolve a complaint early, even if there is no merit in the complaint, to avoid the increased case fee. As a result, rather than implementing this 'as soon as possible' we would encourage LeO to take further time to consider the views of stakeholders and perhaps publish a consultation in case there are further points to take into account for raising the case fee. As stated in our response to the 2023-24 budget consultation,⁶ we agree more widely with a 'polluter pays' principle but would need more information on how this would work in practice.

Other feedback

Question 8. Do you have any other feedback on the OLC's draft 2025/26 business plan and budget for LeO?

None than already discussed.

13 December 2024

Bar Council

⁶ <https://www.barcouncil.org.uk/static/c57dced8-31ac-41b8-b4d7bf36147970f2/Bar-Council-response-to-the-Office-for-Legal-Complaints-Draft-Strategy-and-Business-Plan-2023.pdf>, page 4

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