

**2009 Performance Update  
Legal Complaints Service**

November 2009



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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

\*Comment added on page 13

| Quarter 3 | YTD | Plan | Variance | Being Met? |
|-----------|-----|------|----------|------------|
|           |     |      |          |            |

### Doing it Quickly

**T1a:** We will investigate and resolve at least 65% of cases within 3 months of receipt

| This Month | YTD | Plan | Variance | Being Met? |
|------------|-----|------|----------|------------|
| 71%        | 65% | 65%  | 0%       | ✓          |

**T1b:** We will investigate and resolve 100% of cases within 12 months, apart from in exceptional circumstances

| This Month | YTD    | Plan | Variance | Being Met? |
|------------|--------|------|----------|------------|
| 99.91%     | 99.90% | 100% | -0.10%   | X          |

### 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? |
|------------|-----|------|----------|------------|
| 84%        | 83% | 80%  | 3%       | ✓          |

### Providing Value for Money

**C1:** We will reduce the cost index of our service by 6% per year in real terms

| YTD       | Plan      | Variance | Being Met? |
|-----------|-----------|----------|------------|
| £1,101.88 | £1,202.51 | -£100.63 | ✓          |

### Preparation for Handover & Closure

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

| Month End | Plan         | Variance  | Being Met? |
|-----------|--------------|-----------|------------|
| 3535      | Approx. 3600 | -65 (-2%) | ✓          |

**H2:** Optimise size of unallocated buffer

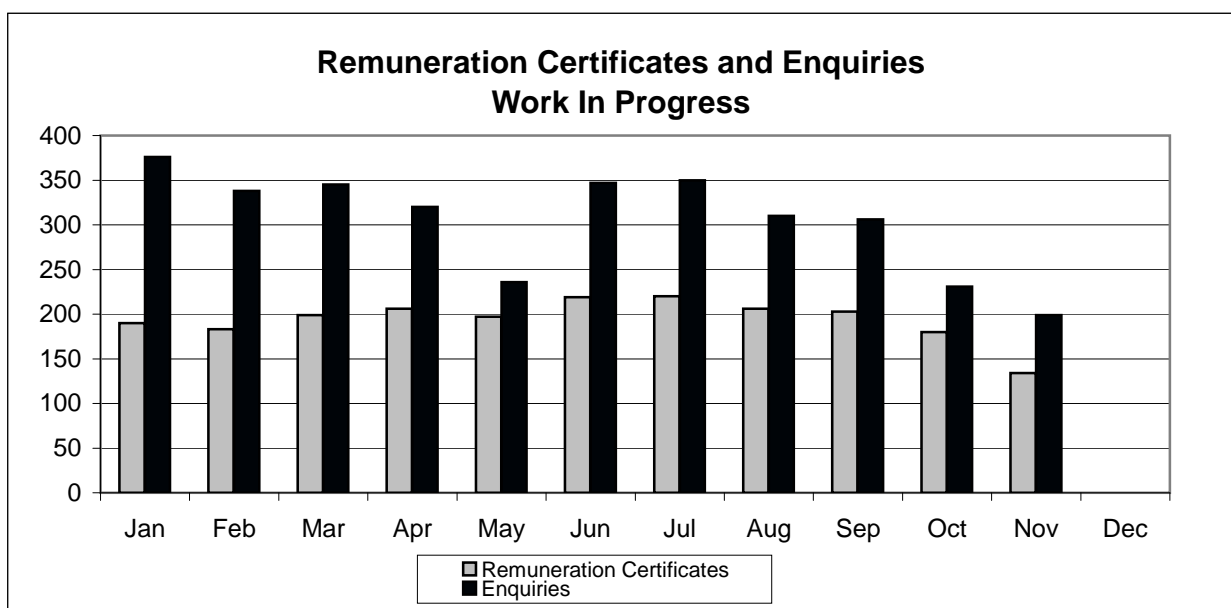
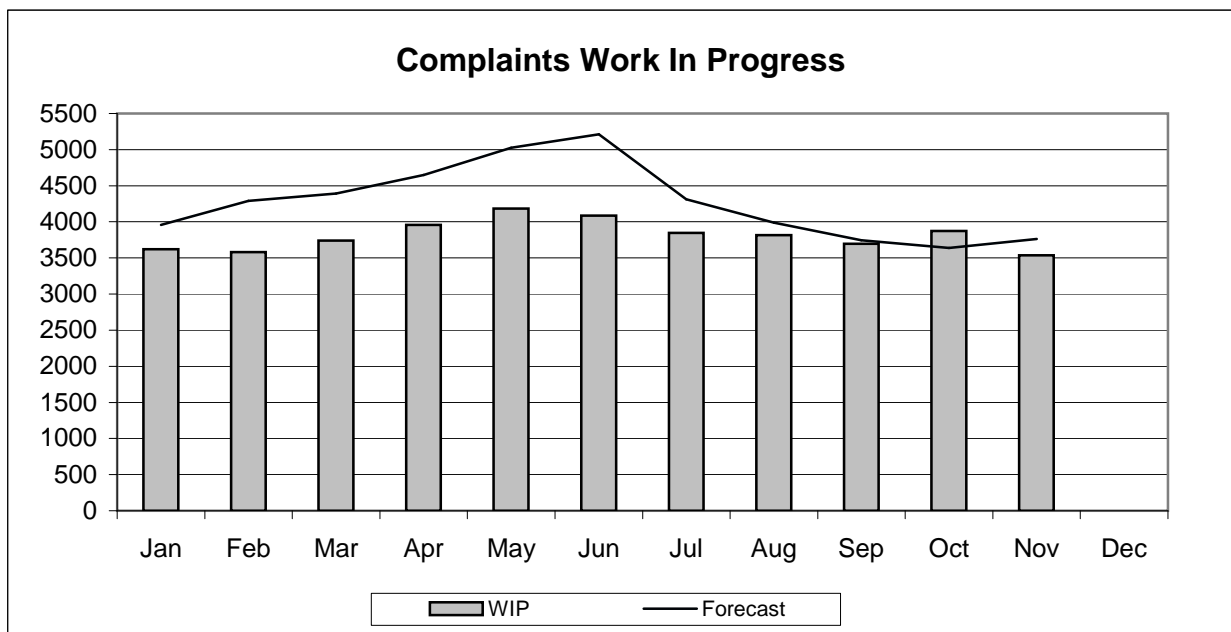
| This Month | Plan                        | Variance | Being Met? |
|------------|-----------------------------|----------|------------|
| 96%        | 100% within 21 working days | -4%      | X          |

## Summary Throughput

| Throughput                       | WIP Brought Forward | Cases Received | Cases Closed | WIP Carried Forward | WIP Movement |
|----------------------------------|---------------------|----------------|--------------|---------------------|--------------|
| <b>Complaints</b>                | 3872                | 1259           | 1596         | <b>3535</b>         | -337         |
| <b>Remuneration Certificates</b> | 180                 | 10             | 56           | <b>134</b>          | -46          |
| <b>All Enquiries</b>             | 231                 | 434            | 466          | <b>199</b>          | -32          |
| <b>Total</b>                     | <b>4283</b>         | <b>1703</b>    | <b>2118</b>  | <b>3868</b>         | <b>-415</b>  |

These figures include receipts and reopens for all complaints.

A large number of Coal Health closures has contributed to the high volume of closures this month



## General Throughput Performance Against Forecast 2009

|                                    | Jan         | Feb         | Mar         | Apr         | May         | Jun         | Jul         | Aug         | Sep         | Oct         | Nov         | Dec        | YTD          |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|--------------|
| <b>Forecast Receipts</b>           | 1060        | 1172        | 1034        | 1121        | 1169        | 1233        | 1315        | 1065        | 1054        | 1114        | 976         | 979        | <b>12313</b> |
| <b>Actual Receipts</b>             | 1035        | 980         | 1257        | 1067        | 1132        | 1098        | 1056        | 1064        | 958         | 1209        | 1110        |            | <b>11966</b> |
| <b>Variance</b>                    | -25         | -192        | 223         | -54         | -37         | -135        | -259        | -1          | -96         | 95          | 134         |            | <b>-347</b>  |
| <b>% Variance</b>                  | <b>-2%</b>  | <b>-16%</b> | <b>22%</b>  | <b>-5%</b>  | <b>-3%</b>  | <b>-11%</b> | <b>-20%</b> | <b>0%</b>   | <b>-9%</b>  | <b>9%</b>   | <b>14%</b>  |            | <b>-3%</b>   |
| <b>Forecast In House Closures</b>  | 939         | 809         | 887         | 817         | 710         | 944         | 966         | 821         | 996         | 1060        | 1036        | 756        | <b>9985</b>  |
| <b>Forecast Outsource Closures</b> | 90          | 90          | 100         | 100         | 150         | 150         | 150         | 150         | 150         | 150         | 85          | 85         | <b>1365</b>  |
| <b>Total Closure Forecast</b>      | <b>1029</b> | <b>899</b>  | <b>987</b>  | <b>917</b>  | <b>860</b>  | <b>1094</b> | <b>1116</b> | <b>971</b>  | <b>1146</b> | <b>1210</b> | <b>1121</b> | <b>841</b> | <b>11350</b> |
| <b>Actual In House Closures</b>    | 916         | 942         | 1068        | 893         | 858         | 1002        | 1115        | 994         | 1036        | 1116        | 1118        |            | <b>11058</b> |
| <b>Actual Outsource Closures</b>   | 91          | 89          | 131         | 117         | 128         | 176         | 150         | 87          | 84          | 105         | 93          |            | <b>1251</b>  |
| <b>Total Actual Closures</b>       | <b>1007</b> | <b>1031</b> | <b>1199</b> | <b>1010</b> | <b>986</b>  | <b>1178</b> | <b>1265</b> | <b>1081</b> | <b>1120</b> | <b>1221</b> | <b>1211</b> |            | <b>12309</b> |
| <b>Variance</b>                    | -22         | 132         | 212         | 93          | 126         | 84          | 149         | 110         | -26         | 11          | 90          |            | <b>959</b>   |
| <b>% Variance</b>                  | <b>-2%</b>  | <b>15%</b>  | <b>21%</b>  | <b>10%</b>  | <b>15%</b>  | <b>8%</b>   | <b>13%</b>  | <b>11%</b>  | <b>-2%</b>  | <b>1%</b>   | <b>8%</b>   |            | <b>8%</b>    |
| <b>Forecast WIP</b>                | 3550        | 3823        | 3870        | 4074        | 4383        | 4522        | 3519        | 3204        | 3002        | 2835        | 2691        |            |              |
| <b>Actual WIP</b>                  | 3190        | 3139        | 3197        | 3254        | 3400        | 3320        | 3111        | 3094        | 2932        | 2920        | 2819        |            |              |
| <b>Variance</b>                    | -360        | -684        | -673        | -820        | -983        | -1202       | -408        | -110        | -70         | 85          | 128         |            |              |
| <b>% Variance</b>                  | <b>-10%</b> | <b>-18%</b> | <b>-17%</b> | <b>-20%</b> | <b>-22%</b> | <b>-27%</b> | <b>-12%</b> | <b>-3%</b>  | <b>-2%</b>  | <b>3%</b>   | <b>5%</b>   |            |              |

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

After a review carried out in June some alterations were made to the current forecast.

The changes were:

1. receipts reduced by 3% to reflect current YTD variance plus seasonality adjustment
2. In House closures amended to reflect current operational model
3. Outsource closures reduced.

There were also alterations to the way that the WIP forecast is calculated to more accurately reflect our projection based on the most up to date actual figure.

## Coal Health Throughput Performance Against Forecast 2009

|                          | Jan | Feb  | Mar | Apr | May | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec | YTD  |
|--------------------------|-----|------|-----|-----|-----|------|------|------|------|------|------|-----|------|
| <b>Forecast Receipts</b> | 142 | 142  | 142 | 142 | 142 | 142  | 142  | 142  | 142  | 142  | 142  | 142 | 1562 |
| <b>Actual Receipts</b>   | 167 | 117  | 245 | 273 | 191 | 127  | 114  | 111  | 151  | 293  | 149  |     | 1938 |
| <b>Variance</b>          | 25  | -25  | 103 | 131 | 49  | -15  | -28  | -31  | 9    | 151  | 7    |     | 376  |
| <b>% Variance</b>        | 18% | -18% | 73% | 92% | 35% | -11% | -20% | -22% | 6%   | 106% | 5%   |     | 24%  |
| <b>Forecast Closures</b> | 91  | 82   | 91  | 85  | 75  | 99   | 117  | 95   | 119  | 105  | 108  | 574 | 1067 |
| <b>Actual Closures</b>   | 91  | 109  | 144 | 112 | 109 | 144  | 145  | 128  | 106  | 106  | 385  |     | 1579 |
| <b>Variance</b>          | 0   | 27   | 53  | 27  | 34  | 45   | 28   | 33   | -13  | 1    | 277  |     | 512  |
| <b>% Variance</b>        | 0%  | 33%  | 58% | 32% | 45% | 45%  | 24%  | 35%  | -11% | 1%   | 256% |     | 48%  |
| <b>Forecast WIP</b>      | 408 | 468  | 519 | 577 | 644 | 688  | 793  | 840  | 743  | 781  | 816  |     |      |
| <b>Actual WIP</b>        | 433 | 441  | 542 | 703 | 785 | 768  | 737  | 720  | 765  | 952  | 716  |     |      |
| <b>Variance</b>          | 25  | -27  | 23  | 126 | 141 | 80   | -56  | -120 | 22   | 171  | -100 |     |      |
| <b>% Variance</b>        | 6%  | -6%  | 4%  | 22% | 22% | 12%  | -7%  | -14% | 3%   | 22%  | -12% |     |      |

The high levels of receipts during March, April and May can be explained by recent findings against two Solicitors firms. Although a high volume of cases were being received the unallocated cases remained constant at around 120 at the end of each month. This is being monitored to ensure that the volumes of files do not impact on allocation times.

The high volume of closures this month is due to a recent agreement to concilliate all a particularly difficult firm's files. We expected this to begin in December however a large number of files were closed in the last few days in November.

## All Work In Progress with Age Profile

| WIP                             | Jan         | Feb         | Mar         | Apr         | May         | Jun         | Jul         | Aug         | Sep         | Oct         | Nov         | Dec | Avg.        |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-----|-------------|
| <b>0-3 mths</b>                 | 2425        | 2343        | 2585        | 2790        | 2963        | 2697        | 2413        | 2311        | 2209        | 2434        | 2265        |     | 2494        |
| <b>4-6 mths</b>                 | 717         | 769         | 709         | 667         | 661         | 834         | 906         | 974         | 857         | 743         | 646         |     | 771         |
| <b>7-9 mths</b>                 | 312         | 303         | 271         | 317         | 356         | 339         | 278         | 271         | 400         | 476         | 441         |     | 342         |
| <b>10-12 mths</b>               | 126         | 123         | 131         | 118         | 130         | 139         | 172         | 169         | 154         | 119         | 99          |     | 135         |
| <b>All &gt;12 mths</b>          | 43          | 42          | 43          | 65          | 75          | 79          | 79          | 89          | 77          | 100         | 84          |     | 71          |
| <b>Insurers &gt; 12 mths</b>    | 41          | 41          | 41          | 63          | 71          | 77          | 71          | 76          | 59          | 69          | 56          |     | 60          |
| <b>Coal Health &gt; 12 mths</b> | 0           | 0           | 0           | 0           | 0           | 1           | 3           | 5           | 8           | 15          | 17          |     | 4           |
| <b>Total WIP</b>                | <b>3623</b> | <b>3580</b> | <b>3739</b> | <b>3957</b> | <b>4185</b> | <b>4088</b> | <b>3848</b> | <b>3814</b> | <b>3697</b> | <b>3872</b> | <b>3535</b> |     | <b>3813</b> |
| <b>WIP Forecast</b>             | <i>3958</i> | <i>4292</i> | <i>4390</i> | <i>4651</i> | <i>5028</i> | <i>5210</i> | <i>4312</i> | <i>3988</i> | <i>3746</i> | <i>3638</i> | <i>3762</i> |     | <i>4270</i> |
| <b>Rollover 6 mths</b>          | 127         | 112         | 108         | 150         | 148         | 109         | 122         | 108         | 120         | 94          | 111         |     | 119         |
| <b>Rollover 9 mths</b>          | 59          | 51          | 55          | 55          | 60          | 60          | 100         | 66          | 37          | 35          | 36          |     | 56          |

After a review carried out in June some alterations were made to the current forecast. There were also alterations to the way that the WIP forecast is calculated to more accurately reflect our projection based on the most up to date actual figure.

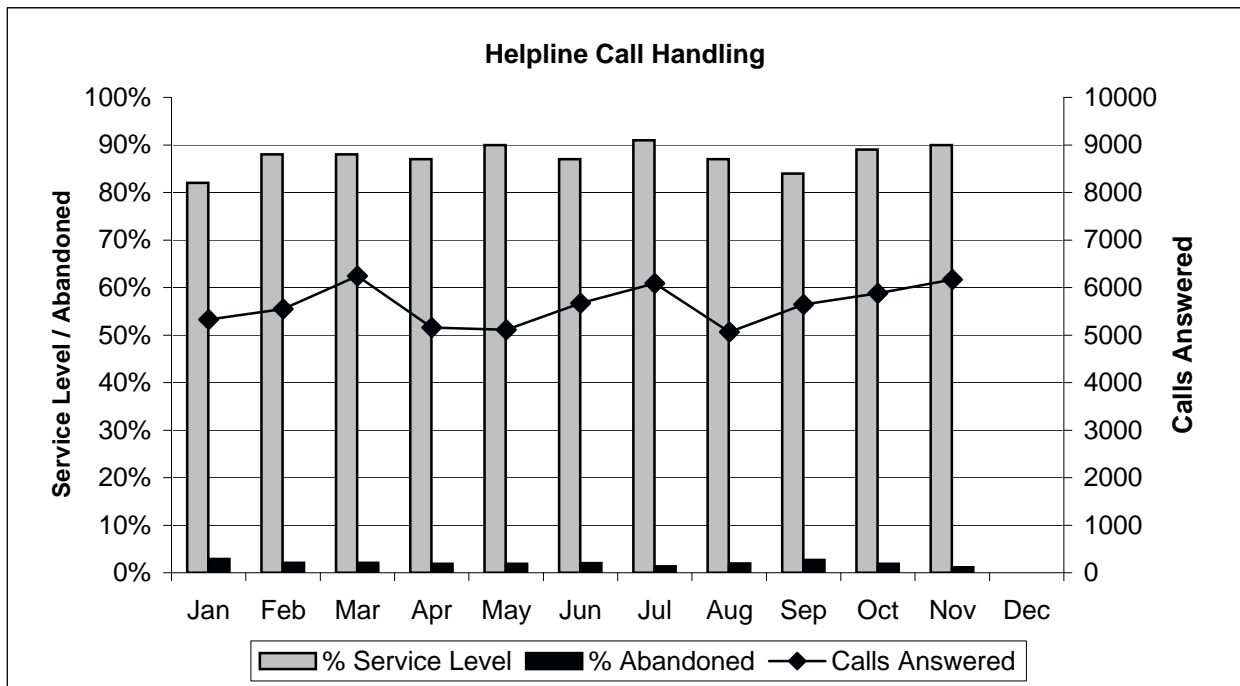
## Insurance Work In Progress

| <b>Insurers WIP</b> | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> | <b>Avg.</b> |
|---------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| <b>0-3 months</b>   | 2          | 0          | 0          | 1          | 1          | 0          | 0          | 4          | 3          | 1          | 1          |            | <b>1</b>    |
| <b>4-6 months</b>   | 5          | 16         | 17         | 8          | 13         | 7          | 8          | 6          | 3          | 4          | 4          |            | <b>8</b>    |
| <b>7-9 months</b>   | 30         | 28         | 30         | 55         | 69         | 64         | 29         | 16         | 12         | 10         | 3          |            | <b>31</b>   |
| <b>10-12 months</b> | 31         | 33         | 35         | 47         | 47         | 45         | 59         | 55         | 36         | 16         | 9          |            | <b>38</b>   |
| <b>13-14 months</b> | 23         | 25         | 22         | 41         | 49         | 42         | 29         | 29         | 21         | 32         | 21         |            | <b>30</b>   |
| <b>15-17 months</b> | 9          | 11         | 14         | 12         | 12         | 24         | 29         | 31         | 21         | 17         | 15         |            | <b>18</b>   |
| <b>18+ months</b>   | 9          | 5          | 5          | 10         | 10         | 11         | 13         | 16         | 17         | 20         | 20         |            | <b>12</b>   |
| <b>Total</b>        | <b>109</b> | <b>118</b> | <b>123</b> | <b>174</b> | <b>201</b> | <b>193</b> | <b>167</b> | <b>157</b> | <b>113</b> | <b>100</b> | <b>73</b>  |            | <b>139</b>  |

There has been no new insurers cases (except for cases involving two specific high profile firms) since the 1st June 2009 as this project is coming to an end.

# Helpline

| Helpline Calls         | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec  | YTD           |
|------------------------|------|------|------|------|------|------|------|------|------|------|------|------|---------------|
| <b>Forecast</b>        | 5894 | 5852 | 6083 | 5321 | 5542 | 5935 | 5985 | 5782 | 5842 | 5954 | 6078 | 4127 | <b>64268</b>  |
| <b>Calls Accepted</b>  | 5483 | 5671 | 6374 | 5253 | 5212 | 5787 | 6171 | 5164 | 5798 | 5991 | 6239 |      | <b>63143</b>  |
| <b>Variance</b>        | -411 | -181 | 291  | -68  | -330 | -148 | 186  | -618 | -44  | 37   | 161  |      | <b>-1,125</b> |
| <b>% Variance</b>      | -7%  | -3%  | 5%   | -1%  | -6%  | -2%  | 3%   | -11% | -1%  | 1%   | 3%   |      | <b>-2%</b>    |
| <b>Calls Answered</b>  | 5324 | 5551 | 6242 | 5155 | 5114 | 5670 | 6089 | 5064 | 5640 | 5880 | 6168 |      | <b>61897</b>  |
| <b>Calls Abandoned</b> | 159  | 120  | 132  | 98   | 98   | 117  | 82   | 100  | 158  | 111  | 71   |      | <b>1246</b>   |
| <b>% Abandoned</b>     | 3%   | 2%   | 2%   | 2%   | 2%   | 2%   | 1%   | 2%   | 3%   | 2%   | 1%   |      | <b>2%</b>     |
| <b>% Service Level</b> | 82%  | 88%  | 88%  | 87%  | 90%  | 87%  | 91%  | 87%  | 84%  | 89%  | 90%  |      | <b>88%</b>    |



## Timeliness of Closures by Month of Receipt

| Cases Closed Within 3 Months of Receipt |          |          |          |          |          |          |          |          |          |          |          |          |       |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------|
| Month of Receipt                        | Oct 2008 | Nov 2008 | Dec 2008 | Jan 2009 | Feb 2009 | Mar 2009 | Apr 2009 | May 2009 | Jun 2009 | Jul 2009 | Aug 2009 | Sep 2009 | YTD   |
| Complaints Received                     | 1227     | 1174     | 1122     | 1192     | 1092     | 1497     | 1334     | 1317     | 1218     | 1168     | 1170     |          | 13511 |
| Closed to Date                          | 765      | 761      | 712      | 830      | 744      | 929      | 858      | 847      | 795      | 770      | 827      |          | 8838  |
| Percentage                              | 62%      | 65%      | 63%      | 70%      | 68%      | 62%      | 64%      | 64%      | 65%      | 66%      | 71%      |          | 65%   |

| Cases Closed Within 6 Months of Receipt |              |          |          |          |          |          |          |          |          |          |          |          |       |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------|
| Month of Receipt                        | Jul 2008     | Aug 2008 | Sep 2008 | Oct 2008 | Nov 2008 | Dec 2008 | Jan 2009 | Feb 2009 | Mar 2009 | Apr 2009 | May 2009 | Jun 2009 | YTD   |
| Complaints Received                     | 1391         | 1156     | 1211     | 1227     | 1174     | 1122     | 1192     | 1092     | 1497     | 1334     | 1317     |          | 13713 |
| Closed to Date                          | 1221         | 1026     | 1073     | 1040     | 1032     | 983      | 1062     | 970      | 1234     | 1114     | 1133     |          | 11888 |
| Percentage                              | 88%          | 89%      | 89%      | 85%      | 88%      | 88%      | 89%      | 89%      | 82%      | 84%      | 86%      |          | 87%   |
| YTD LSCC Measure                        | Target = 87% |          |          | 85%      | 86%      | 87%      | 87%      | 88%      | 87%      | 86%      | 86%      |          |       |

| Cases Closed Within 12 Months of Receipt |          |          |          |          |          |          |          |          |          |          |          |          |        |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------|
| Month of Receipt                         | Jan 2008 | Feb 2008 | Mar 2008 | Apr 2008 | May 2008 | Jun 2008 | Jul 2008 | Aug 2008 | Sep 2008 | Oct 2008 | Nov 2008 | Dec 2008 | YTD    |
| Complaints Received                      | 1160     | 1248     | 1159     | 1403     | 1154     | 1166     | 1391     | 1156     | 1211     | 1227     | 1174     |          | 13449  |
| Closed to Date                           | 1152     | 1237     | 1147     | 1372     | 1135     | 1149     | 1370     | 1139     | 1191     | 1188     | 1150     |          | 13230  |
| Closed Percentage                        | 99.31%   | 99.12%   | 98.96%   | 97.79%   | 98.35%   | 98.54%   | 98.49%   | 98.53%   | 98.35%   | 96.82%   | 97.96%   |          | 98.37% |
| Exceptions Insurers                      | 8        | 11       | 12       | 29       | 17       | 14       | 13       | 11       | 9        | 21       | 8        |          | 153    |
| Exceptions Coal Health                   | 0        | 0        | 0        | 0        | 0        | 1        | 2        | 2        | 3        | 7        | 9        |          | 24     |
| Exceptions Other                         | 0        | 0        | 0        | 1        | 1        | 0        | 5        | 3        | 5        | 8        | 6        |          | 29     |
| Total                                    | 1160     | 1248     | 1159     | 1402     | 1153     | 1164     | 1390     | 1155     | 1208     | 1224     | 1173     |          | 13436  |
| Percentage                               | 100.00%  | 100.00%  | 100.00%  | 99.93%   | 99.91%   | 99.83%   | 99.93%   | 99.91%   | 99.75%   | 99.76%   | 99.91%   |          | 99.90% |

The three tables above show cases closed against the receipt date. So to measure in January 2009 cases that were closed within three months we go back to the cases received in October 2008 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      |
|-------------------------------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|
| <b>New Complaints</b>               | 109        | 59          | 10           | 2            | 0            | 0            | 0            | 0            | 180        |
| <b>Transfers</b>                    | 0          | 1           | 0            | 3            | 3            | 1            | 2            | 4            | 14         |
| <b>Coal Health Firm Unallocated</b> | 0          | 0           | 0            | 0            | 0            | 0            | 0            | 1            | 1          |
| <b>Total</b>                        | <b>109</b> | <b>60</b>   | <b>10</b>    | <b>5</b>     | <b>3</b>     | <b>1</b>     | <b>2</b>     | <b>5</b>     | <b>195</b> |
| <b>Percentage</b>                   | <b>56%</b> | <b>31%</b>  | <b>5%</b>    | <b>3%</b>    | <b>2%</b>    | <b>1%</b>    | <b>1%</b>    | <b>3%</b>    |            |

An agreement made by a Coal Health case firm had populated our unallocated pots with a very high number of previously unallocated cases. However, these have mostly now been allocated to our coal health team and now there is only one left remaining. We hope to have this file allocated soon.

## Speed of Allocation

| All New Allocated Complaints    | Jan         | Feb         | Mar         | Apr         | May         | Jun         | Jul         | Aug         | Sep         | Oct         | Nov         | Dec | Total        |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-----|--------------|
| 0 - 7 days                      | 504         | 469         | 447         | 308         | 350         | 457         | 589         | 743         | 462         | 917         | 889         |     | 6135         |
| 7 - 14 days                     | 396         | 292         | 553         | 451         | 455         | 411         | 401         | 339         | 495         | 375         | 266         |     | 4434         |
| 15 - 21 days                    | 150         | 133         | 146         | 238         | 244         | 394         | 154         | 39          | 69          | 50          | 116         |     | 1733         |
| 22 - 28 days                    | 154         | 156         | 141         | 53          | 109         | 135         | 46          | 21          | 17          | 2           | 35          |     | 869          |
| 29 - 42 days                    | 27          | 31          | 24          | 8           | 5           | 27          | 25          | 4           | 3           | 0           | 17          |     | 171          |
| 43 - 64 days                    | 1           | 6           | 2           | 0           | 2           | 3           | 1           | 4           | 3           | 0           | 2           |     | 24           |
| 65 - 84 days                    | 1           | 0           | 1           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |     | 2            |
| Over 85 days                    | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           | 0           |     | 0            |
| <b>Total</b>                    | <b>1233</b> | <b>1087</b> | <b>1314</b> | <b>1058</b> | <b>1165</b> | <b>1427</b> | <b>1216</b> | <b>1150</b> | <b>1049</b> | <b>1344</b> | <b>1325</b> |     | <b>13368</b> |
| <b>% Within 21 Working Days</b> | <b>85%</b>  | <b>82%</b>  | <b>87%</b>  | <b>94%</b>  | <b>90%</b>  | <b>88%</b>  | <b>94%</b>  | <b>97%</b>  | <b>98%</b>  | <b>100%</b> | <b>96%</b>  |     |              |

This measure calculates the number of working days between creation on the system to the first time a caseworker acknowledges receipt of the file in their own worklist.

This month, a total of 77 files were removed from the figures as they are all related to a difficult coal health firm.

## Quality of Outcome and Customer Service

| Files Audited             | Quarter 1<br>(Jan 09 -<br>Mar 09) | Quarter 2<br>(Apr 09 -<br>Jun 09) | Quarter 3<br>(Jul 09 -<br>Sep 09) | Quarter 4<br>(Oct 09 -<br>Dec 09) | YTD        |
|---------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|------------|
| <b>Total Audited</b>      |                                   |                                   |                                   |                                   |            |
| <b>Meeting Criteria</b>   |                                   |                                   |                                   |                                   |            |
| <b>% Meeting Criteria</b> |                                   |                                   |                                   |                                   |            |
| <b>Objective</b>          | <b>90%</b>                        | <b>90%</b>                        | <b>90%</b>                        |                                   | <b>90%</b> |

Following concentration of our File Review process on performance management, we will now confirm our achievement of this objective by audit in January 2010.

## Customer Satisfaction

| Customer Satisfaction         | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD         |
|-------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| <b>Forms Sent</b>             | 665 | 664 | 867 | 766 | 675 | 776 | 718 | 674 | 765 | 834 | 890 |     | <b>8294</b> |
| <b>Forms Returned</b>         | 360 | 262 | 341 | 302 | 256 | 315 | 325 | 320 | 302 | 285 | 303 |     | <b>3371</b> |
| <b>Response Rate</b>          | 54% | 39% | 39% | 39% | 38% | 41% | 45% | 47% | 39% | 34% | 34% |     | <b>41%</b>  |
| <b>Satisfaction (Service)</b> | 84% | 81% | 80% | 85% | 84% | 82% | 82% | 81% | 85% | 84% | 84% |     | <b>83%</b>  |
| <b>Satisfaction (Outcome)</b> | 79% | 71% | 72% | 75% | 76% | 74% | 76% | 74% | 76% | 77% | 74% |     | <b>75%</b>  |

## LCS Budget

|   | Adjusted Budget   | YTD Budget        | YTD Actual        | YTD variance   | Variance %  |
|---|-------------------|-------------------|-------------------|----------------|-------------|
| <b>EXPENDITURE</b>                        |                   |                   |                   |                |             |
| Basic Salaries                            | 11,786,177        | 10,421,595        | 10,404,146        | 17,449         | 0.2%        |
| NI / Pension Contributions                | 2,233,292         | 2,292,259         | 2,286,286         | 5,973          | 0.3%        |
| Temporary Staff (Agency)                  | 770,276           | 646,996           | 607,079           | 39,917         | 6.2%        |
| Total Paybill                             | 14,789,745        | 13,360,850        | 13,297,511        | 63,339         | 0.5%        |
| Other Staff Costs                         | 102,934           | 85,286            | 92,458            | -7,172         | -8.4%       |
| <b>Total Staff Expenditure</b>            | <b>14,892,679</b> | <b>13,446,136</b> | <b>13,389,969</b> | <b>56,167</b>  | <b>0.4%</b> |
| Printing, Stationery, Postage & Telephone | 280,921           | 263,687           | 216,912           | 46,775         | 17.7%       |
| Computing Charges                         | 280               | 0                 | 0                 | 0              |             |
| Travel & Subsistence & Entertaining       | 164,541           | 87,799            | 79,286            | 8,513          | 9.7%        |
| Other Professional Fees                   | 2,188,042         | 1,503,062         | 1,491,566         | 11,496         | 0.8%        |
| Marketing, Conference & Exhibition costs  | 17,725            | 0                 | 0                 | 0              |             |
| Other Administration costs                | 223,841           | 148,035           | 133,782           | 14,253         | 9.6%        |
| Establishment Expenses                    | 3,130             | -19,532           | -19,423           | -109           | 0.6%        |
| LSCC Fee                                  | 369,000           | 329,886           | 329,886           | 0              | 0.0%        |
| <b>Total Non-Staff Expenditure</b>        | <b>3,247,480</b>  | <b>2,312,937</b>  | <b>2,232,009</b>  | <b>80,928</b>  | <b>3.5%</b> |
| <b>Gross Expenditure</b>                  | <b>18,140,159</b> | <b>15,759,073</b> | <b>15,621,978</b> | <b>137,095</b> | <b>0.9%</b> |
| <b>INCOME</b>                             |                   |                   |                   |                |             |
| Income                                    | -197,800          | -173,860          | -342,503          | 168,643        | -97.0%      |
| <b>Net Expenditure</b>                    | <b>17,942,359</b> | <b>15,585,213</b> | <b>15,279,475</b> | <b>305,738</b> | <b>2.0%</b> |

## Staffing

| Staffing                     | Management | Casework | Support | Total         |
|------------------------------|------------|----------|---------|---------------|
| <b>Current Establishment</b> | 58.57      | 228.38   | 95.17   | <b>382.12</b> |
| <b>Permanent Staff</b>       | 52.89      | 175.31   | 81.07   | <b>309.27</b> |
| <b>Temporary Staff</b>       | 0.80       | 26.80    | 8.50    | <b>36.10</b>  |
| <b>Total Staff in Post</b>   | 53.69      | 202.11   | 89.57   | <b>345.37</b> |
| <b>Variance</b>              | -4.88      | -26.27   | -5.60   | <b>-36.75</b> |
| <b>% Variance</b>            | -8.3%      | -11.5%   | -5.9%   | <b>-9.6%</b>  |
| <b>Starters</b>              | 0.40       | 7.00     | 0.00    | <b>7.40</b>   |
| <b>Leavers</b>               | 0.00       | 1.00     | 3.00    | <b>4.00</b>   |

## Cost Index

| Cost Index                  | Without TLS Shared Costs | With TLS Shared Costs |
|-----------------------------|--------------------------|-----------------------|
| <b>YTD Applicable Spend</b> | £15,302,939              | £26,339,612           |
| <b>YTD Closures</b>         | 13,888                   |                       |
| <b>Cost Index</b>           | <b>£1,101.88</b>         | <b>£1,896.57</b>      |
| <b>Target</b>               | £1,202.51                | £1,906.15             |
| <b>Variance</b>             | <b>-£100.63 (-8%)</b>    | <b>-£9.58 (-1%)</b>   |

Revision to 2009 Cost Index Performance Objective (C1)

The Cost Index objective for this year was developed during the second half of 2008, in the context of strong LSCC scrutiny, targets and comparisons with the future OLC costs. The measure used therefore included several adjustments to allow detailed year-on-year comparison of costs relevant to the OLC, included some TLS cross-charges over which we have no control, and was based on the April to March Plan year. These aspects do not now serve the current purpose of driving the overall cost efficiency of LCS in the TLS financial year (Jan to Dec).

In light of the refocused purpose of this Objective, we have simplified calculation of C1 as follows:

- a) All LCS-controlled costs are included. This is therefore much more transparent and simpler to calculate, as we no longer remove items such as OLC preparation work or changes required by the Legal Services Act. However, it would be affected by large, unusual costs such as redundancy.
- b) TLS cross-charges are separated out, to break the overall Cost Index into 2 parts – one for just LCS spend, and one for central services. This allows us to demonstrate cost reduction over those parts we can affect, but the LCS portion must not be mis-interpreted as the variable cost of closing a complaint.

In practice, this adjusts our 2009 YTD Cost Index performance from £2,084.19 to £2,088.99, (an overall increase of just 0.23%).

## LSO Referrals

| File Type                        | Jan       | Feb       | Mar        | Apr       | May        | Jun        | Jul        | Aug       | Sep        | Oct       | Nov       | Dec | YTD         |
|----------------------------------|-----------|-----------|------------|-----------|------------|------------|------------|-----------|------------|-----------|-----------|-----|-------------|
| <b>Complaints</b>                | 94        | 92        | 103        | 86        | 100        | 118        | 97         | 85        | 107        | 86        | 88        |     | <b>1056</b> |
| <b>Enquiry</b>                   | 2         | 1         | 4          | 0         | 0          | 0          | 3          | 0         | 1          | 0         | 0         |     | <b>11</b>   |
| <b>Remuneration Certificates</b> | 0         | 0         | 0          | 0         | 0          | 0          | 0          | 0         | 0          | 0         | 0         |     | <b>0</b>    |
| <b>Total</b>                     | <b>96</b> | <b>93</b> | <b>107</b> | <b>86</b> | <b>100</b> | <b>118</b> | <b>100</b> | <b>85</b> | <b>108</b> | <b>86</b> | <b>88</b> |     | <b>1067</b> |
| <b>LSO Referrals %</b>           | <b>6%</b> | <b>6%</b> | <b>6%</b>  | <b>5%</b> | <b>6%</b>  | <b>7%</b>  | <b>5%</b>  | <b>5%</b> | <b>6%</b>  | <b>5%</b> | <b>4%</b> |     | <b>5%</b>   |

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

| Outcome of LSO Review              | Jan        | Feb       | Mar        | Apr       | May       | Jun        | Jul        | Aug       | Sep        | Oct       | Nov        | Dec | YTD         |
|------------------------------------|------------|-----------|------------|-----------|-----------|------------|------------|-----------|------------|-----------|------------|-----|-------------|
| <b>No Further Action</b>           | 76         | 38        | 83         | 48        | 14        | 83         | 88         | 28        | 97         | 58        | 78         |     | <b>691</b>  |
|                                    | 68%        | 52%       | 59%        | 74%       | 64%       | 72%        | 75%        | 57%       | 80%        | 67%       | 66%        |     | <b>68%</b>  |
| <b>Critical</b>                    | 8          | 7         | 7          | 5         | 4         | 5          | 6          | 2         | 5          | 1         | 12         |     | <b>62</b>   |
|                                    | 7%         | 10%       | 5%         | 8%        | 18%       | 4%         | 5%         | 4%        | 4%         | 1%        | 10%        |     | <b>6%</b>   |
| <b>Reconsider</b>                  | 24         | 21        | 38         | 11        | 3         | 26         | 17         | 8         | 16         | 19        | 23         |     | <b>206</b>  |
|                                    | 21%        | 29%       | 27%        | 17%       | 14%       | 23%        | 15%        | 16%       | 13%        | 22%       | 19%        |     | <b>20%</b>  |
| <b>Reconsider &amp; Compensate</b> | 1          | 5         | 4          | 0         | 0         | 0          | 0          | 5         | 0          | 3         | 4          |     | <b>22</b>   |
|                                    | 1%         | 7%        | 3%         | 0%        | 0%        | 0%         | 0%         | 10%       | 0%         | 3%        | 3%         |     | <b>2%</b>   |
| <b>Compensate</b>                  | 3          | 2         | 9          | 1         | 1         | 1          | 6          | 6         | 3          | 5         | 2          |     | <b>39</b>   |
|                                    | 3%         | 3%        | 6%         | 2%        | 5%        | 1%         | 5%         | 12%       | 2%         | 6%        | 2%         |     | <b>4%</b>   |
| <b>Total</b>                       | <b>112</b> | <b>73</b> | <b>141</b> | <b>65</b> | <b>22</b> | <b>115</b> | <b>117</b> | <b>49</b> | <b>121</b> | <b>86</b> | <b>119</b> |     | <b>1020</b> |

The returns during May were very low in comparison to other months, therefore the results are not representative. Any continuing trends will be investigated as and when they appear.

**Cases Over 12 Months**

| Reasons for cases being over 12 months   | Justified? |
|--|------------|
| <p><b>Case 1 (WIP)</b></p> <p>August 2008 detailed analysis of the customer's 18 complaints was carried out. Both customer and solicitor provided comments and the investigation deviated while attempts to conciliate were made. There is a simultaneous litigation making it tricky. Solicitor was to have had the bill assessed in this matter by 6 October. Solicitor failed to do so and as a result customer looks unlikely to be able to recover £10k. On 24 October 2008 caseworker wrote to solicitor and gave them a deadline of 7 days to confirm the bill has been assessed. However, no response was received. A report was prepared and the decision was made on 20 February 2009. The solicitors did not comply and the matter was referred to the insurance team. The adjudicator reserved the right to make an award in limitation of the solicitors fees in the event that there was further cause of complaint about the inadequacy of the service arising during the course of any further action that may occur in regard to the recovery of costs. The insurance team referred the matter back to us to deal with the further report as the solicitors had failed to release the files, which was causing further inconvenience for the customer. We have now achieved the release of the files through careful negotiation. However, it has come too late, as apparently the customer has now lost his opportunity to recover costs from the defendants. Caseworker has been awaiting documentary evidence from the solicitors for the customer to support the allegation that the customer is unable to pursue recovery of costs to enable to prepare a further report. Documents received here on 26 August 2009. Report for adjudication due for completion by Monday 14 September 2009.</p>   | Yes        |
| <p><b>Case 2 (WIP)</b></p> <p>The file was dealt with without delay until December 2008 (file 3 months old) when caseworker was absent for a long period and the file was re-allocated. The solicitor made an offer shortly afterwards which the customer was not happy with. The new caseworker however deemed the offer acceptable and sought confirmation that a reasonable offer made outcome was suitable which was initially confirmed by a senior caseworker. After all letters were drafted and due to be sent, the matter was reviewed by caseworker advisor who asked for clarification on one of the issues raised. After initial analysis it was considered that the matter could not be closed under the reasonable offer made process and needed further investigation into one of the issues. There were then difficulties obtaining responses and evidence from the firm throughout the matter and even more so following the ROM issue, the caseworker requested the file under section 44b, and even then the full file was not produced. The firm then closed and not made any further offers. The report for adjudication has now been produced and currently being reviewed by a senior caseworker. In summary there is some evidence of caseworker delay when the original caseworker was absent, however, the main reasons file has exceeded the 12 month target is due to there being many issues of complaint (approx 16), and difficulties obtaining responses from firm, and ROM procedure failing.</p>   | Yes        |
| <p><b>Case 3 (WIP)</b></p> <p>File originally worked on by outsource firm and closed in November 2008 well before deadline. However, after being assessed during a routine audit under our file review process it was discovered that the outcome was technically incorrect and was reopened to be dealt with internally. Since the file has been reopened the decision to reopen the file has been revoked and the file will be closed and dealt with under a new reference as the technicality has only arisen as part of recent process change and wasn't present at the time the file was originally closed.</p>   | Yes        |
| <p><b>Case 4 (WIP)</b></p> <p>Caseworker received file on 18 November, the caseworker had managed to deal with the file fairly promptly. The caseworker then discovered that the solicitors files had disappeared somewhere between the firm and the third party who were to get registration done. With no file the firm wouldn't reply. Statutory notice out on 27 January (file now 6 months old), reply received but no evidence attached. There was a short period of delay as the solicitor was ill, but caseworker was able to give views on 6 April. An offer was then proposed by the solicitor. Customer was then on holiday. In the meantime caseworker tried to locate the file for the customer. The customer then accepted the offer, but was subject to the file being received from the third party, who had began to delay. The caseworker requested the file on several occasions during June (file now 8 months old), and early July. A further issue was then raised over non-payment of Spanish Tax by the firm which solicitor didn't know about until then. The papers then became more urgent as needed to see if tax was paid and if so by whom. Advice sought from advisor by caseworker, the advice was that the caseworker needs the file to fully establish IPS as either responsibility of solicitor's firm or 3rd party firm, and if so, who is accountable. Two files were requested by the caseworker, one which customer had and one held by 3rd party. The file from customer was received 31st July (file now 9 months old). Caseworker chased the 3rd party firm on several occasions for their file which was crucial for establishing where the IPS fell, especially the late tax payment issue. The file was finally received 9th September from 3rd party. The report has now been drafted and is awaiting approval before been sent to adjudication.</p>   | Yes        |
| <p><b>Case 5 (WIP)</b></p> <p>The complaint was presented by one client on behalf of themselves and two others. The original caseworker failed to assess the matter in so far as separating the complaints, because although the 3 retainers arose from the same incident, each client had an individual claim. Pursuing a joint investigation, led to issues not being addressed. The file originally belonged to a caseworker who has now left. A report had been prepared and the was being adjudicated upon from 2/6/09 only being returned on 11/8/09. The adjudicator decided to stand the matter over and issued a 2 page memo indicating what information and actions wanted. Caseworker reviewed comments from adjudicator and compiled a letter and sent to all three customers stating that they will be dealt with individually albeit on the same file. Caseworker was then on annual leave from 13/8 for two weeks. Caseworker sent a further letter requiring information on 18 September. The customers are being extremely dilatory and their current solicitor obstructive. Caseworker is still awaiting a substantive response to both letters. In the meantime the caseworker has obtained the entire files. The matter will be going back to report however, three separate reports will need to be drafted, which will delay the process</p>   | No         |
| <p><b>Case 6 (WIP)</b></p> <p>Solicitor queried our jurisdiction to deal with complaint and would be obstructive in providing evidence. The customer was not particularly clear about the issues raised and it took some time to clarify matters. This is a complicated complaint and before the investigation proper could start it was necessary to prepare a report to see if we had jurisdiction to deal with the complaint. The issue was that the customer employed the solicitor as an "in house" solicitor. The solicitor believed that they were employed by the customer and as such there was no solicitor/client relationship and therefore could not raise complaints of poor service. That issue has now been adjudicated upon and the caseworker is in the process of dealing with the main complaint. However, there has been an issue with regard to the solicitors file and caseworker has only just obtained some documents from the customer. These now need to be copied to the solicitor for full comments on the issues raised and then another report can be prepared.</p>   | Yes        |
| <p><b>Case 7 (WIP)</b></p> <p>File was created in September and allocated to caseworker in October last year. After initial review of the file caseworker decided that we were not able to help customer as negligence proceedings ongoing and out of time, however, customer responded with reasons why the issue was not raised within the timeframe. Caseworker agrees to look at the file and decide whether there were any valid issues of complaint. Caseworker requests file from solicitor in November (case now 2 months old). Caseworker reviews file and agrees reasons for complaint with the customer in late December (now 3 months old). Caseworker is then on 3 weeks annual leave. Caseworker experiences difficulties in contacting customer as customer now lives abroad, after 2 months of no contact, caseworker writes to the customer advising that if no response is received, caseworker will be forced to close the file (case now 5 months old). Customer replies and a short exchange between customer and caseworker begins where the caseworker outlines the documentation needed from the customer with regards to the costing information. Caseworker finally sends out letter to solicitors firm outlining reasons for complaint in April (file is now 7 months old). Customer writes to caseworker explaining that they have found new issues for complaint and caseworker writes to solicitor to confirm these new issues. Solicitor responds in early May (case now 8 months old) and advises the caseworker that, as the file is so old, the solicitors file has been moved to off site archives and will take some time to get returned. Caseworker agrees an extension for the solicitor to send in the file. The deadline set by the caseworker was exceeded and caseworker contacted solicitors firm for an update, the solicitor mentions that the file is very large and often in a foreign language so has had difficulty sorting through the papers, caseworker agrees a 30 day extension till early July (file will then be 10 months old). Caseworker chases solicitor as no response received then solicitor responds to say that all the documentation was destroyed in a fire, caseworker asks for evidence of fire from solicitors. Customer provides some papers as evidence in August and caseworker sends chaser letter to solicitor in September (case now 12 months old)</p> | Yes        |
| <p><b>Case 8 (WIP)</b></p> <p>The matter was with outsourcers for 3 months they made no headway. There was then a delay of 3 months to get the file reallocated. The matter was then with a LCO for approximately 8 weeks due to the firm's assertions that they did not understand the complaints and inability to provide documents limited to those relevant to the complaint. Our quality team expects the matter to be concluded with their office by 4/11/09. The report is prepared and will be released to client and solicitor after quality's review assuming that we get the go ahead from the quality team.</p>  | Yes        |

**Cases Over 12 Months**

| Reasons for cases being over 12 months   | Justified? |
|--|------------|
| <p><b>Case 9 (WIP)</b></p> <p>Complaint received by Solicitors Regulation Authority in 2007. In September 2008 customer made a further complaint to the Solicitors Regulation Authority. 2 months later in November 2008 the SRA referred the matter as service complaint to LCS.</p> <p>A file was made up and allocated to caseworker in December 2008. Investigation was undertaken as to whether complaint should be considered as out of time. On 13 January 2009 decision was made to accept complaint out of time. 4 February 2009 complaints were put to former partners of firm, which had closed. In March 2009 the partners responded raising an argument complaints were out of time. April 2009 the LCS requested solicitors' file under S 44B. 30 April 2009 the former partners respond raising further issues over complaints being out of time and decline to release file. May 2009-Advice was sought from senior adviser who advised the preliminary issue over jurisdiction should be passed to Adjudicator for decision. June 2009 report was prepared and issued by caseworker. July 2009 matter was referred for adjudication. 1 September 2009 Adjudicator decided that our investigation should go ahead out of time but did not at that stage make a S44B decision although one had been requested. Solicitors were asked again to produce their file but did not comply and therefore a S44B decision was sought and issued on 22 October 2009. Matter transferred to SRA for enforcement but the solicitors provided their file on 12 November 2009. File has now been reviewed and report is in preparation –it is likely to be referred for adjudication middle of December 2009</p>   | Yes        |
| <p><b>Case 10 (WIP)</b></p> <p>Matter has been dealt with by caseworker from allocation on 8 October 2008 to present. The firm were intervened on 29 September 2008 and an incomplete file of papers was received from the intervention agents on 1 December 2008. These incomplete papers and a lack of other documentation caused difficulties during the investigation and this matter spent too long in the stage of drawing conclusions. There was also no response from the former Partner of the firm. Preliminary conclusions were reached and outlined on 30 March 2009 and then revised in a letter dated 5 June due to further comments from the client and input from a senior colleague. A draft report was prepared on 2 July 2009 (within 8-9 months of allocation). The caseworker should have concluded and prepared the first draft of the report sooner. The intervention agents located and forwarded further papers on 16 July 2009 and accordingly the conclusions and report were reviewed and amended in light of this. The report was then reviewed twice by a senior caseworker who directed the caseworker to revisit an issue and to obtain a deposit interest calculation. The report was then passed to a Casework Advisor who has today authorised the report to be sent out for comments. The matter has already gone beyond the 12 month mark.</p>  | No         |
| <p><b>Case 11 (WIP)</b></p> <p>The case was allocated to a caseworker on 23 October 2008 and the caseworker offered a special payment to the customer for the delay which was accepted. After contacting the parties the caseworker wrote to the customer on 25 November 2008 confirming their issues. The solicitor notified us of health issues on 10 December 2008 (case now 2 months old) and could not provide a response at the moment. An extension until 12 January 2009 (case now 3 months old) was granted. On 19 January 2009 the solicitor wrote again saying indicating that a response was imminent. The response did not arrive and the caseworker sent a failure to reply letter on 29 January 2009 threatening the solicitor with a section 44b. The section 44b was sent by caseworker on 13 February 2009. A further warning letter was sent on 24 February 2009 when the solicitor did not respond. The matter was referred to the SRA on 5 March 2009 to enforce the section 44b.</p> <p>On 5 May 2009 the SRA forwarded some documents from the file which one of their forensic investigators had managed to obtain. However, there was not sufficient evidence to prepare a report the SRA were asked to continue to see if they could obtain the full file. On 21 May 2009 the caseworker emailed the customer's new solicitor to obtain any further documents - unfortunately the caseworker misspelt the email address and it seems the email was never received. In June 2009 the subject solicitor notified the SRA that the customer's files had been lost by the insurer.</p> <p>On 31 July 2009 the caseworker wrote to the customer's new solicitor setting out what information was required in relation to the complaints, unfortunately this email was again sent to a misspelt email address and was not received by the new solicitor.</p> <p>On 17 August 2009 caseworker phoned the new solicitor and advised that the evidence was required within 7 days, which was then followed up by a chaser e-mail on 25 August 2009 (again sent to an incorrect email address) and said that the file would be closed on 1 September 2009 if the requested info didn't arrive. On 28 August the new solicitor spoke to the caseworker and advised that no e-mails were received. A complaint was received by the caseworker's manager from the solicitor and it was agreed that the deadline would be extended until 11 September 2009. A further complication arose at this point as the firm officially closed on 28 August 2009.</p> <p>The caseworker left the LCS on 4 September 2009 and the file was reallocated. The further evidence was received on 15 September 2009 and a review of the papers concluded that there was IPS. Caseworker noted that, potentially, there were financial effects and that the customer should be given the opportunity to provide evidence that these effects had been paid. The caseworker then telephoned the new solicitor on 18 September 2009 to advise of final conclusions. As the solicitor was going on holiday the following week, a deadline of 2 October 2009 to provide further evidence was agreed. The caseworker was on annual leave from 5 October to 9 October inclusive but in any event the further info didn't arrive until 12 October 2009. A letter report was then drafted and sent to the parties on 15 October 2009. The deadline for representations on the report is 29 October 2009.</p> | Yes        |
| <p><b>Case 12 (WIP)</b></p> <p>This was an unusually complex matter that had been returned from the Ombudsman for a third time. The file is voluminous comprising of a box of papers. The caseworker who was asked to review the complaint was of the view that adequate information was available to prepare a report and did so relatively promptly without undertaking a further investigation stage. The report did not adequately reflect the complaints or our powers. A complaint was raised about our service and a technical review completed. The caseworker was asked to complete a supplemental report. The caseworker then did not prepare a report for many months. The caseworker then went on long term sick leave and subsequently left the organisation. The file remained unactioned for this time. The file was passed to another caseworker to complete - it was then nine months old. The new caseworker completed a review and prepared a supplemental report in a very short time. This was then passed to an adjudicator. The Adjudicator upheld all bar one of the complaints and was of the view that more information was needed on the last complaint and stood over that issue. Caseworker then prepared a new report and returned it to the queue for adjudication on 5 November 2009 - where it currently awaits a decision.</p>   | No         |
| <p><b>Case 13 (Closure)</b></p> <p>Customer is severely dyslexic and caseworker has had to make reasonable adjustments in giving the customer extra time to consider and respond. It also means that the customer has a tendency to provide masses of information via electronic media, much of which is duplicated and which adds to the time taken in reviewing any response. The caseworker arranged to have a LCO meet with customer on a couple of occasions. The underlying retainer is also long standing and complex. The customer's original complaint included an allegation of discrimination by the solicitors around his dyslexia disability.</p> <p>At present, the LCO and caseworkers that have been involved in the file have, between them, managed to establish a clear understanding of the facts and found some IPS. The solicitor has offered £1,000 in compensation. However, due to new issues raised the caseworker feels that this is inadequate and a report has been drafted and sent to the adjudication team.</p> <p>In summary the delay has been caused by allowing additional time for the customer to assess the correspondence sent to them and also reviewing the volume of data forwarded in return. As the customer has a disability the caseworker thought it necessary to do so.</p>   | Yes        |
| <p><b>Case 14 (Closure)</b></p> <p>When the complaint was received on 14/11/08 the letter did not provide the clients contact details and the solicitors firm that the complaint was about were intervened into. The caseworker made enquiries with SRA and the intervention agents. It was not until 2/2/09 that the caseworker was actually provided with the clients address. The caseworker wrote to customer in early February but received no response by March so wrote to customer again stating that the file would be closed if no response received by 18/3 and the customer contacted the caseworker on 20/3. All that the caseworker was able to obtain from the intervention agents were two ledger sheets so the caseworker needed to get the documents from the client, which were requested on 23/3. On 30/3 the customer sent a few documents and also stated that there were more if required. With the letter sent with the documentation the customer listed a set of complaints not previously discussed so the caseworker spent some time confirming the issues that the customer wished to raise. It transpired during the progression of this case that the client was a solicitor. A few further documents were received from the customer on 5/6 and then after a long telephone conversation on 29/6 the customer advised that there was a whole file of papers which, once sent, enabled the caseworker to progress the case. The letter outlining the areas of complaint was sent on 27/7. The caseworker then requested further details from the client and again experienced delay in receiving the information and finally completed the report on 21/9/09. It therefore took 4 months to find the client and get a response before the investigation could start.</p>  | Yes        |
| <p><b>Case 15 (Closure)</b></p> <p>The file was progressed with no delay for 6 months when evidence of financial losses was requested from customer. Customer did not understand what was required, however, the caseworker submitted report to adjudicator despite this. Adjudicator stood over decision and requested further evidence of financial losses. Customer sent more letters but still no further evidence of financial losses, however the caseworker re-submitted the report with the new evidence and the adjudicator stood over the matter again asking for further evidence of financial losses.</p>  | Yes        |
| <p><b>Case 16 (Closure)</b></p> <p>The retainer with the subject firm concerned the administration of the client's late husband's estate.</p> <p>The file was a reopened file and was allocated to the current caseworker on 29 October 2008 having previously been dealt with by another caseworker under the old number.</p> <p>The client had Solicitors assisting with their complaint and we communicated with them about the complaint. They had also helped to finalise the administration of the estate.</p> <p>We had previously obtained a photocopy of the Solicitors' file which was voluminous and the client's new solicitors also sent to us documents which needed to be examined and considered. This took some time and we spoke to the new Solicitors about the issues in late November 2008.</p> <p>Our letter setting out the complaints was sent to the subject firm on 9 December 2008. They did not reply to us but wrote to the new Solicitors saying they were confused about the amount they still owed the client. Upon telephoning and emailing the subject firm we received no replies. We wrote to them again on 7 January 2009 outlining proposals for resolution of the complaint which had been prepared by the client's new solicitors.</p> <p>The firm did make contact on 12 January 2009 stating that they were unable to meet the resolution proposals made due to cash flow problems. In early February 2009 the client stated that she wished her complaint to be decided by an Adjudicator.</p> <p>Before the report could be prepared information needed to be gathered regarding the financial effects of the poor service, e.g. documentary evidence of the new Solicitors' costs, these were received in mid April 2009. Matters were further complicated as the subject firm failed to provide documentary evidence which would have assisted us.</p> <p>Preparation of the report was commenced but completion was delayed due to the volume of papers which needed to be considered and also by caseworkers annual leave and a short period of sickness.</p> <p>The report was completed and disclosed to the parties on 17 August 2009. It should be noted that this was a complex matter - the report ran to 23 pages with 160 pages of attachments and so did take longer than the caseworker would have liked to prepare as many documents needed to be examined and cross referenced.</p> <p>On 22 August 2009 the client provided substantial comments on the report. This necessitated a further detailed analysis and resulted in the preparation of a four page letter within which, further recommendations of inadequate service were made. That letter was disclosed to the parties on 16 September 2009.</p> <p>The matter was sent for Adjudication on the same date and the decision was made on 9 November 2009 by the Adjudicator. The Adjudicator adopted all of caseworkers recommendations of poor service. The Decision has been sent to the parties and the Solicitors are allowed till 18th November for compliance.</p> <p>In view of the solicitors previous failures to co operate with LCS and cash flow problems it is not certain that they will comply with the compensatory payment or with the direction to provide a copy of their up to date ledgers and account to the client for any balance.</p>   | Yes        |

**Cases Over 12 Months**

| Reasons for cases being over 12 months   | Justified?                |
|--|---------------------------|
| <p><b>Case 17 (Closure)</b></p> <p>The original caseworker suffered long periods of delay due to the firm being unhelpful and slow to respond as the firm was closed. The customer also changed addresses and contact details several times during the life of the investigation without updating the caseworker. Therefore, on a couple of occasions the post was being returned to caseworker unread and without comment or confirmation of receipt, it was only when the customer rang to chase was the caseworker notified in change of address.</p> <p>There was also some uncertainty whether there would be a particular financial effect to the customer as it depended whether insurers would pay for the mortgage company's solicitors to sort the legal work or whether it would be added to her mortgage. This therefore delayed us sending the matter to Adjudication, in which time this file was reallocated as the original caseworker left the organisation. The new caseworker obtained confirmation on 22 September 2009 that this issue would not be a financial effect to the customer.</p>   | <p align="center">Yes</p> |
| <p><b>Case 18 (Closure)</b></p> <p>This matter refers to a complaint against a firm well known to the LCS. There were numerous delays caused by the firm's slowness to respond. Virtually all correspondence with the firm needed to be chased at least once. After several delays receiving the file from the firm (finally retrieved under section 44b) the report was eventually drafted in August (file 11 months old) and sent to adjudicator for decision. Caseworker is currently awaiting details of decision.</p>   | <p align="center">Yes</p> |
| <p><b>Case 19 (Closure)</b></p> <p>The customer was a beneficiary of a Trust complaining about the solicitor who was acting as the sole trustee. The status of the customer to raise the complaint is significant. The complaints were confirmed with the customer on 14.11.08 and the file was then allocated to original caseworker on 18.11.08. Further information was received from the customer between this date and 3.12.08. The caseworker was then away from the office for much of December due to illness. Some issues were raised with the solicitor on 8.1.09 and caseworker was in correspondence with the solicitor during January and February 2009. The caseworker then went on maternity leave and the file was allocated to a new caseworker on 9.2.09.</p> <p>The caseworker raised the complaints formally with the solicitor on 18.2.09. A response was received on 6.3.09. Having reviewed the response the caseworker requested more information on 20.3.09. A further letter was sent to the solicitor on 9.4.09 as the customer had raised new issues on 31.3.09. The solicitor responded on 22.4.09 but this was again not sufficient and so the caseworker wrote back to him on 1.5.09 asking for more information. A further response was received from the solicitor on 18.5.09 but he had still not provided the information the caseworker had requested so the caseworker asked him to send the file.</p> <p>On 4.6.09 the caseworker received a call from a different solicitor who had been instructed by the original solicitor whom the complaint was about. This solicitor argued that we did not have the jurisdiction to consider the customer's complaints and no jurisdiction to request the file. The caseworker exchanged arguments with this solicitor during June and July taking advice from our legal advisor, as solicitor was adopting a very legalistic approach. On 3.7.09 the caseworker proposed placing the matter before an Adjudicator to determine whether we could investigate the complaints. After further discussions with both solicitors and our legal advisor in July 2009 the caseworker completed a memo for the Adjudicator on 20.8.08 and this was sent out for comments. The papers were referred for a preliminary decision on 7.9.09. The preliminary decision was dated 24.9.09 and was sent out as soon as it was received on 5.10.09. The Adjudicator's decision was asking for further comments from the solicitors, after which the customer would have to be given the opportunity to comment before the matter was referred back to a different Adjudicator. The solicitors delayed in responding and their comments were not received until 22.10.09. These comments were then sent to the customer to comment on the same day. The customer's comments were received on 3.11.09 and a second memo was prepared for the Adjudicator dated 6.11.09. The second preliminary decision was dated 11 November 2009 but the papers were not returned until 23.11.09. The Adjudicator's second decision was sent out and the file was closed on this day. To sum up, the file has gone over 12 months mainly as a result of inadequate responses being received from the solicitor which culminated in a request for the file and the involvement of a second solicitor. There was a jurisdictional argument being discussed which involved our legal advisor and ultimately two adjudicators.</p>   | <p align="center">Yes</p> |
| <p><b>Case 20 (Closure)</b></p> <p>Complaint received 14 August 2008 and allocated to original caseworker on 2 September. Following initial assessment of papers, letter despatched to the parties on 19 September and by 20 October comments received from both sides. Minimal activity in the period October 2008 to February 2009 as the next substantive action is the detailed letter to customer dated 12 February 2009, copied to solicitor, in which caseworker confirms views in a number of the issues raised. The action post the 12 February letter is a telephone discussion with customer on 18 February and again on 14 April, followed by a further analysis letter on 15 May. Thereafter are caseworker's attempts to conciliate and informing the parties of ROM and which take the file to 30 June 2009.</p> <p>All in all, a gap (of about 4 months) appears in the file between October 2008 and February 2009. Although there are a couple of telephone notes, there is little evidence of significant work and the analysis of February 2009 should have been done around October/November 2008. The period post February 2009 also reveals gaps (1 to 2 months) the work of May/June could have been done around March time. Matter reassigned to new caseworker July 2009. Review of the papers on 13 July, followed by analysis letter of 24 July and further letter to solicitor of same date raising additional questions. A time extension request and conciliations attempts in the period 24 July to 10 August 2009 with caseworker informing both parties on 14 August that matter to proceed to report.</p>   | <p align="center">No</p>  |
| <p><b>Case 21 (Closure)</b></p> <p>The file was re-allocated, in representation, to the current caseworker after the original caseworker had her temporary contract terminated.</p> <p>It was agreed that the case would not be 'fast tracked' given that although there had been some delay due to the solicitor's slow responses / failure to respond, there was also some due to the original caseworker's poor work method.</p> <p>It was agreed that the current caseworker would allow the insurers time to respond on this file, pre adjudication, in the hope that it can be resolved. This was because we would not have had time to disclose, let alone adjudicate.</p>  | <p align="center">Yes</p> |
| <p><b>Case 22 (Closure)</b></p> <p>The file was allocated on 28 November 2008. The letter confirming all the issues was sent to the customer on 19th December 2008. Initial letters were sent 6 January 2009. The firm resisted all communication with LCS citing legal argument as to why LCS do not have jurisdiction. LCS legal department involved. A Section 44B Paragraph 3 was sought and issued 20th January 2009 to obtain the file from the solicitors. From January to August 2009 there was an exchange of information between LCS, customer, and firm requesting evidence. The final evidence was received 16th August 2009. The final report was sent to adjudicator 20 August 2009. The adjudicators made their decision 5th November 2009 which was then disclosed to both parties. A chaser letter was sent to insurers and the firm on both 12th and 20th November 2009. File was then closed on 30 November 2009.</p>   | <p align="center">Yes</p> |
| <p><b>Case 23 (Closure)</b></p> <p>The complaint was first received by the LCS on 3 November 2009. The solicitor concerned has not replied throughout the investigation. The solicitor was intervened into on 30 June 2008 and was struck off on 24 November 2009. The caseworker was allocated this file on 8 December 2008 wrote to the customer on 16 December 2008. The caseworker needed documentary evidence which could show that a solicitor client relationship existed between the customer and the subject individual so that the caseworker could be sure we had the jurisdiction to investigate the complaints. The evidence the caseworker required was received on 13 January 2009.</p> <p>The caseworker initially wrote to the solicitor on 4 February 2009 - no response was received despite chasing. A report was prepared by the caseworker naming the solicitors as the subject individual, and was sent on 7 April 2009 to the adjudication team. This report was stood over on 18 May 2009, as the adjudicator felt that the LCS did not have the jurisdiction to consider the customer's complaint as it did not appear that the customer was a client of the subject individual.</p> <p>The adjudicator did feel however that a solicitor client relationship existed between the customer and the solicitor named in the customer's will as a trustee which was different to the solicitor initially named as the subject individual. The adjudicator suggested that the caseworker addresses the customer's complaints to the solicitor named in the will - essentially meaning the investigation needed to be started again. By this stage the complaint was approximately 6 months old.</p> <p>The caseworker initially wrote to the second subject individual on 9 June 2009. The second subject individual refuted any suggestion of responsibility for the actions of first subject individual and the matter eventually went to the adjudication team again. A report was drafted and sent to the adjudication team on 22 July 2009.</p> <p>On 12 October 2009 a memo was sent to the caseworker by the adjudicator who felt that legal advice was needed on whether the LCS had jurisdiction over the second subject individual in this matter such that we could make a finding of inadequate professional service. The last date for disclosure was 19 October 2009.</p> <p>The legal advice obtained recommended that we did not have jurisdiction over the second subject individual but that we did have jurisdiction over the first subject individual. The caseworker was informed of this by the adjudicator on 4 November 2009.</p> <p>The adjudicator made his decision on this matter naming the first subject individual on 6 November 2009 and it was sent to the parties on 10 November 2009. The adjudicator also made a decision about the second subject individual on 6 November 2009 officially stating that we had no jurisdiction over them in this matter.</p> <p>The first subject individual did not respond therefore on 23 November 2009 the caseworker requested the contact details of the first subject individual's professional indemnity insurers so that the caseworker could assist the customer in making a claim. The caseworker was then informed on 30 November 2009 that this process has recently changed and that if the solicitor has not provided the details of his insurers it is up to the customer, albeit with our assistance, to contact the SRA and request this information. The file was closed on 30 November 2009.</p> <p>Although there was a slight delay in sending out the initial letter to the solicitor, this can be accounted for due to the fact that this caseworker did not have documentary evidence was needed in order to take the matter forward until 13 January 2009. The matter clearly went over the 12 month mark due to the confusion that arose over whether we had jurisdiction over the first subject individual and the need to take legal advice on the point. It should be noted that the second report on this matter was sent on 22 July 2009, just under three months before the final date for disclosure.</p> | <p align="center">Yes</p> |
| <p><b>Case 24 (Closure)</b></p> <p>The file was allocated to caseworker on 8 September 2008 and progressed without delay until 30 January 2009 when the matter was referred to adjudication in the format of an accelerated adjudication report. On 20th April the matter was referred back to caseworker as the adjudicator had returned the papers as there were too many points attached for an accelerated adjudication. Caseworker then prepared a standard letter report which was ready on 27 April and awaiting approval by a senior caseworker. There was a delay until 10 June to get the report approved. It was sent out for comments to both parties on 16 June and then sent to adjudication after 14 days.</p> <p>On 13 August the Adjudicator requested further information in order to make a decision. On 17 August further information was requested from the firm, which is due by 14 September.</p>   | <p align="center">Yes</p> |
| <p><b>Case 25 (Closure)</b></p> <p>Initial delay identifying issues of complaint due to customer holiday. Solicitors firm dispute our powers to deal with this case a small delay caused whilst confirming our powers with firm. Firm cause additional delay of 2 months whilst they further dispute our powers. Firm cause delay after delay often asking for extensions on deadlines and denying receiving letters from caseworker. Customer delays in sending in evidence to support financial losses which in turn delays the caseworker in finalising report for adjudication. File only obtained from solicitor after section 44b decision obtained (File now 10 months old) as firm ceased during life of file. Evidence taken from file to complete report and send to be adjudicated upon during August. File is currently still with adjudicator.</p>  | <p align="center">Yes</p> |

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

## Glossary

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