



Telephone/Textphone: **028 9067 2488**
Complaints Telephone: **0800 121 6022**
Fax: **028 9065 7701**

E-mail: **info@consumercouncil.org.uk**
complaints@consumercouncil.org.uk

Websites: **www.consumercouncil.org.uk**
www.consumerline.org

Chairperson
Rick Hill

Deputy Chairperson
Mandy Patrick MBE

Interim Chief Executive
Aodhan O'Donnell

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

24 January 2014

Mr Daithi McKay MLA
Chairperson
c/o Mr Phil Pateman
Assistant Assembly Clerk
Committee for Finance and Personnel
Room 419
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Mr McKay

Re: Draft Legal Complaints and Regulation Bill (NI) 2013

The Consumer Council would like to thank the Committee for the invitation to provide evidence regarding the consultation currently being undertaken by the Department of Finance and Personnel (DFP) on the draft Legal Complaints and Regulation Bill (Northern Ireland) 2013. The Consumer Council was a member of the 2005 Review Group chaired by Sir George Bain, and whilst legal services are not within the remit of the Consumer Council we do have a number of observations and comments which the Committee may find of use.

The Consumer Council has a statutory duty to represent the interests of consumers in energy, water and transport and has a statutory complaint



INVESTOR IN PEOPLE

handling role in each of these areas. Our policy work includes helping regulated industries and other service providers improve their complaint handling processes.

The principles of effective complaint handling are:

1. Accessible and simple
2. Fair and impartial
3. Timely, effective and consistent
4. Accountable
5. Delivers continuous improvement.¹

These principles can be characterised in an effective complaint handling system in the following ways:

- Clear, simple and accessible procedures that allow consumers to complain about the service they received;
- Single point of contact so that complainants can get access to the complaints team;
- Ownership of the complaint is established at the beginning of the procedure and remains consistent throughout the process;
- Investigative procedures ensure all information is gathered quickly
- Communication with the complainant on progress is timely and regular;
- Outcomes are clearly identified, realistic and deliverable;
- Remedies should have visibility;
- The identification of problems and administrative errors is at the heart of the process.

The Consumer Council believes that implementation of the Bain recommendations² through the Legal Complaints and Regulation Bill 2013 will go a long way to securing best practice regarding complaints handling within the legal system.

The appointment of a Lay Chair and majority lay persons on the Commission

¹ Rights Responsibilities and Redress – A Framework for Effective Complaint Handling – Northern Ireland Ombudsman

² Legal Services in Northern Ireland – Complaints, Regulation, Competition; Legal Services Review Group 2006

will increase openness, transparency and consumer trust. These appointments should remove a barrier, perhaps perceived, that the average consumer will have no complaint resolution when he or she goes “up against” the legal profession. This, however, could be dependent on the effectiveness of a consumer education programme.

Consumer education needs to be a complementary aspect to the new system for complaint handling. Awareness needs to be raised to ensure consumers know about the independent role of the Commissioner, understand their rights and the avenues of redress available to them. The Consumer Council supports the recommendation that consumer education is a function of the Commissioner.

The recommendations within the Bain review will create independence and impartiality. Although the Commission is to be funded by the profession, we believe this is an opportunity rather than a risk to impartiality. The legal profession will seek value for money from the Commission, and so, we would expect that where there are found to be common issues of complaint that learning and development programmes are implemented for the profession, thus embedding continuous improvement, and building upon such programmes that currently are provided through the Law Society.

Furthermore, the implementation of the proposed polluter pays principle will act as an incentive for the profession to employ good practice at all time. The Consumer Council recognises that in all services sometimes things do go wrong. When they do it is important to the consumer that they are resolved as quickly as possible, and so, we would advocate the development of tailored effective complaints procedures for all practices, that are adhered to and reviewed and revised as appropriate. First point of resolution will help prevent complaints being referred for investigation or adjudication and will increase consumer satisfaction with services.

The Consumer Council agrees with a measured and proportionate response for Northern Ireland, there should not be an England and Wales solution for a Northern Ireland issue, so we fully support the tailored approach recommended by the Bain review.

In conclusion, the Consumer Council supports the measures set out in the Bain report which promote transparency and ensures functions are discharged in a

manner which benefits consumers. To this end we support the enhanced oversight function. We believe that this system must have consumers at the heart of it, and so, continuous improvement in the profession and ways to facilitate, through an effective complaints handling process, is fundamental.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Kathy Graham".

Kathy Graham

Interim Director of Policy