

(NB: see link at bottom of page for source)



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The Rt Hon Margaret Beckett MP
House of Commons
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Our ref: MC270635
Your ref: NB/10

4 March 2010

Dear Margaret

MISS N FERRIE, 110 BRIGHTON ROAD, ALVASTON, DERBY, DE24 8SY

Thank you for your letter of 23 February 2010 sent on behalf of your constituent, Miss Ferrie, who is concerned about the services she has received from Mr JM Taberner Angel and Co, the Law Society and the bodies responsible for handling complain about legal services.

like me!

I am sorry to hear of the difficulties experienced by Miss Ferrie in her dealings with solicitors and her dissatisfaction at the manner in which her complaint has been dealt with by the Law Society, the Legal Complaints Service and the Legal Service Ombudsman (LSO). However, as I am sure you are aware, the legal profession is independent and self-regulating and the Solicitors Regulation Authority (SRA), the regulatory branch of the Law Society, is responsible for the conduct of solicitors. As such it would not be appropriate for me to intervene in, or comment on, individual cases or agreements entered into by the Law Society or the Association of Chief Police Officers (ACPO), which is also an independent body.

The SRA have informed me that the memorandum of understanding between the ACPO and the Law Society, that Miss Ferrie refers to in her letter, is currently being reviewed in order to bring it up to date. The SRA also explained that the purpose of this document is to ensure that clear lines of communication are in place between the SRA and the police. It therefore sets out how intelligence and reports of alleged crime or misconduct should be exchanged, so that, where appropriate, action can be taken in relation to the criminal law or professional code of conduct. This exchange of information plays an important role in protecting clients and the public interest generally.

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(= plays "An important part in protecting criminal solicitors and their criminal clients")

This is sending victims from pillar to post. see my experience with Kensington police, etc. in October 2010.

If Miss Ferrie believes that solicitors involved in her case have committed fraud then, as this is a criminal matter, I would suggest that she contact her local police station if she has not already done so. If the police consider, after investigation, that there is a case to answer, they will place the matter before the Crown Prosecution Service for action. I am unable to comment as to the level of evidence the police will require before they will take action.

NO! NOT up to the victims to control the sector!

However I note that Miss Ferrie's case has been considered by the LSO. As you know, the LSO is the last stage of any appeal process in respect of complaints against the legal profession. Miss Ferrie may take her case to the High Court in order to have a judicial review of the LSO's decision. A Judicial Review is not an appeal procedure and is not generally concerned with the merits of the decision itself, but rather examines whether a public body's decision has been reached in a lawful manner. It would suggest that Miss Ferrie seek independent legal advice should she wish to consider this course of action. To find her nearest law centre and Citizens' Advice Bureau, Miss Ferrie can

- contact the Law Centres Federation on 020 7387 8570, or visit its website www.lawcentres.org.uk; or
- visit the Citizens' Advice website at www.citizensadvice.org.uk.

Miss Ferrie may also find it helpful to visit the Community Legal Services Direct Website for information on providers of legal advice at www.clsdirect.org. Alternatively, she can call the Community Legal Service Helpline on 0845 345 4345.

Typical hands off.

While I can not comment on the way in which the SRA operates, the Government acknowledged that the current system of regulation is not always in the best interests of either the provider or the consumer. It is for this reason that the Legal Services Act 2007 (the 2007 Act) has overhauled the regulatory structure of legal services in England and Wales.

It remains to be seen.

The 2007 Act provided for the creation of the Legal Services Board (LSB), a statutory oversight body, independent of both Government and the legal professions, which received its full powers on 1 January 2010. It is a publicly accountable body with power to enforce high standards in the legal sector, replacing the current multiple regulators with overlapping responsibilities. Its chair and the majority of its members are lay persons. Under the 2007 Act, the LSB and approved regulators, like the Solicitors Regulation Authority, have a duty to promote the 2007 Act's regulatory objectives. They must both regard to regulatory best practice and, in particular, the principle under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

The Government acknowledges that concerns have been expressed about the current system for complaints about the providers of regulated legal services. Concern about the current system for handling complaints was one of the main drivers behind the 2007 Act. This Act establishes a single and fully independent Office for Legal Complaints (OLC). The OLC will become fully operational by the end of 2010. Its chair and the majority of its members will be lay persons. The OLC will administer an ombudsman scheme providing a single point of entry for consistent handling of consumer complaints about providers of regulated legal services. This will replace

I hope that the information provided is of some assistance. I enclose a copy of this letter for you to send to Miss Ferrie, should you wish to do so.

Yes,
Paul

JACK STRAW