



Memorandum of Understanding between the Council for Licensed Conveyancers and the Legal Ombudsman

Introduction

1. This Memorandum of Understanding (MOU) sets out a framework for the Council for Licensed Conveyancers (CLC) and the Legal Ombudsman to work together in order to carry out their independent roles and separate functions in accordance with the Legal Services Act 2007 (the Act).
2. The purpose of this MoU is to put in place clear arrangements and practices that will foster an effective and cooperative working relationship between the Legal Ombudsman and the CLC.
3. In agreeing this MoU, the CLC and Legal Ombudsman agree that in working together, each will have regard to the need to promote effective systems of redress for consumers of legal services and regulation of licensed conveyancers and the organisations regulated by the CLC.
4. The Legal Ombudsman and CLC are committed to cooperating and sharing knowledge and expertise to benefit consumers of legal services and the legal profession.

Roles of CLC and OLC

5. The CLC is an Approved Regulator under the Legal Services Act. So far as is relevant for the purposes of this MOU, the CLC is established under the Administration of Justice Act 1985 to regulate licensed conveyancers and CLC regulated Practices in the provision of legal services regulated by the CLC (currently reserved instrument activities, probate activities and the administration of oaths). Under the Legal Services Act 2007 the CLC is required to act in a way which is compatible with the regulatory objectives and have regard to the principles of better regulation.
6. The Legal Ombudsman is administered by the Office for Legal Complaints under the Act. The Legal Ombudsman is an independent and impartial service that users of legal services can access to resolve complaints about the service provided by their lawyer or firm.
7. The statutory objective of the Legal Ombudsman is to resolve disputes quickly and with minimum formality on the basis of what is fair and reasonable in the circumstances. The scheme has a statutory jurisdiction and a voluntary jurisdiction.

Cooperation and information sharing

8. The CLC and the Legal Ombudsman agree that they will:
 - a) seek to make sure consumers, licensed conveyancers, CLC regulated Practices and others understand and are not confused about the different roles of each organisation;
 - b) seek to achieve a complementary and consistent approach as far as possible;
 - c) meet and communicate regularly to discuss matters of mutual interest;
 - d) seek to share expertise; and
 - e) consult one another at an early stage on any issues which might have significant implications for the other organisation.

9. The CLC and Legal Ombudsman will agree and periodically review operational procedures on:
 - a) routine information sharing including general reporting requirements to support the investigation of complaints by the Legal Ombudsman and the regulatory functions of the CLC;
 - b) dealing with cases or trends that raise broader regulatory, policy or other issues; and
 - c) any other relevant operational arrangements.

10. Subject to relevant restrictions on the disclosure of confidential information:
 - a) the Legal Ombudsman will give the CLC information which suggests that regulatory action may be required in relation to individual licensed conveyancers or the organisations in which they work;
 - b) other than in exceptional cases, where information falling within (a) above is about a licensed conveyancer who is working for an organisation authorised by another approved regulator, the Legal Ombudsman will give such information to the relevant approved regulator rather than to the CLC; and
 - c) the CLC will give the Legal Ombudsman information which may assist the Legal Ombudsman to carry out its statutory functions, including, where the Legal Ombudsman so requires, information about a conduct matter referred to the CLC by the Legal Ombudsman.

11. The MoU will be complemented and supported by written operational procedures agreed between the Legal Ombudsman and CLC. At a minimum these procedures will cover:
 - the information to be disclosed and the circumstances in which such disclosure must be made as required by section 144(1) and (2) of the Act;
 - details on the procedures for co-operation and information sharing;

- arrangements for dealing with hybrid complaints (a complaint which has both a service and conduct element); and
 - reporting professional misconduct in accordance with section 143 of the Act.
12. The Head of External Affairs of the Legal Ombudsman and the Director of Policy and Standards of the CLC will be responsible for determining and agreeing operational procedures and putting in place effective working practices that meet the over-arching objectives of this MoU.
13. The Legal Ombudsman and CLC will continue to monitor the operation of this MoU and review it as necessary. A first review will occur before the end of two years of the establishment of the ombudsman scheme.



Adam Sampson
Chief Ombudsman



Victor Olowe
Chief Executive, CLC