

The Ombudsman and complaints about the **Legal Services Regulatory Authority**

This factsheet tells you what the Ombudsman does, what you can and cannot complain about, and how to complain.



What does the Ombudsman do?

The Ombudsman can investigate complaints from the public about the administrative actions of the Legal Services Regulatory Authority (LSRA).



Is the Ombudsman independent?

The Ombudsman deals with all complaints independently and impartially when judging whether the administrative actions of the LSRA were fair and reasonable.



What can I complain to the Ombudsman about?

The role of the Ombudsman in LSRA cases is to consider whether a complaint has been dealt with in accordance with the procedures set out in the Legal Services Regulation Act 2015. The Ombudsman cannot investigate the actions of the legal practitioner but can simply review the administrative actions of the LSRA in dealing with your complaint.

What the Ombudsman cannot investigate

The Ombudsman has no remit over legal practitioners. This means the Ombudsman cannot investigate the actions of the legal practitioner or make a finding against them. The Ombudsman process is not an appeal of the LSRA decision, but an investigation of the procedures followed by the LSRA.



When should I complain to the Ombudsman?

Before you complain to the Ombudsman you must complete the LSRA complaints process. If, at the conclusion of that process, you are unhappy with the administrative actions of the LSRA you may make a complaint to the Ombudsman. In LSRA cases the administrative actions are the processes the LSRA followed leading up to its decision.

You should submit your complaint within 12 months of the action or decision that has adversely affected you. However, if more than 12 months has passed, the Ombudsman may still be able to help if there is a good reason for the delay.



What are Administrative Actions?

Administrative actions are the processes the LSRA followed leading up to the decision in your complaint.

The vast majority of LSRA complaints relate to LSRA decisions to find a complaint inadmissible. In those cases, the LSRA will have conducted a preliminary examination of the complaint and deemed it inadmissible.

The Ombudsman can only examine the administrative actions of the LSRA and not the legal practitioner. Therefore, the Ombudsman can examine if the LSRA followed the steps as laid down in the Legal Services Regulation Act 2015 for conducting a preliminary examination. Those steps are:

1. The LSRA needs to be satisfied, as per Section 51, that the complaint is related to one of inadequate service, excessive costs or misconduct.
2. Once the LSRA is satisfied that this is the case it must, as per Section 57, contact the legal practitioner asking them to set out their response to the complaint.
3. When the LSRA receives a response from the legal practitioner it can, if it deems it necessary, contact either or both of the legal practitioner or the complainant to seek further information in relation to the complaint.
4. When the LSRA is of the opinion that it has sufficient information to conclude the preliminary examination, it must decide if the complaint is admissible or not.

Following an examination of the LSRA file the Ombudsman would expect that the LSRA has correctly identified the complaint being made to it, properly followed the steps set out above and then fully explained the reasons for its decision in relation to each aspect of the complaint in its decision letter.

If your complaint has been deemed inadmissible and you believe the LSRA has not followed the correct procedures or has not fully explained its decision, you can bring a complaint to the Ombudsman.



What else can the Ombudsman examine?

As well as complaints that have been deemed inadmissible by the LSRA, the Ombudsman may also examine some complaints that were deemed admissible. Complaints about inadequate services or excessive fees that are deemed admissible by the LSRA can be appealed to the High Court and are outside of the Ombudsman's remit. However, complaints about misconduct that have been deemed admissible cannot be appealed to the High Court and are within the Ombudsman's remit.

As with the cases above, if you are making a complaint about a misconduct complaint that was deemed admissible, we cannot examine the actions of the legal practitioner but we can examine the processes followed by the LSRA and the explanations provided for the ultimate decision.



How does the Ombudsman deal with LSRA complaints?

Once it is established that the Ombudsman can examine your complaint, the LSRA will be asked to provide a full copy of your complaint file.

The ombudsman will then examine how the LSRA handled your complaint to determine if there is evidence of maladministration. 'Maladministration' includes an action that was or might have been:

- taken without proper authority
- taken on irrelevant grounds
- the result of negligence or carelessness
- based on incorrect or incomplete information
- improperly discriminatory
- based on an undesirable administrative practice
- otherwise contrary to fair or sound administration
- where the LSRA has failed to give reasonable assistance and guidance, or failed to provide information on a person's right of appeal or review.

The Ombudsman will decide whether:

- your complaint is justified
- you have suffered due to the administrative action of the LSRA

If it is found that you have suffered due to maladministration, and if the LSRA has not taken steps to remedy this, we may recommend that it does so.

In our recommendation, we may ask the LSRA to:

- review what it has done
- offer an appropriate remedy e.g. an explanation and/or apology



Do I need to include anything with my complaint?

When making a complaint about the LSRA to the Ombudsman you should include a copy of the LSRA decision letter and rationale. You should also provide details of the administrative actions of the LSRA that you are unhappy about.



What will it cost me to complain to the Ombudsman?

Nothing - there is no charge for the services of the Ombudsman.



How do I complain to the Ombudsman?

The best way to make a complaint to the Ombudsman is through our website: www.ombudsman.ie.

You can also write to:

- The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or call us at (01) 639 5600.



Can someone else complain on my behalf to the Ombudsman?

Yes, but only if you give them permission to do so.

If you want to complain on behalf of someone else, you must get their permission first.



Accessible services

If you have a disability and need help to use the services of the Ombudsman, contact us to arrange to speak to our Access Officer.

A copy of this Factsheet is available in large font on request.

Email: accessofficer@ombudsman.ie or call 01 639 5600.

You can complain online on www.ombudsman.ie