



LEGAL OMBUDSMAN

Memorandum of Understanding between the Institute of Chartered Accountants for England and Wales (ICAEW) and the Legal Ombudsman

Introduction

1. This Memorandum of Understanding (MOU) sets out a framework for ICAEW 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 ICAEW.
3. In agreeing this MoU, ICAEW and the Legal Ombudsman agree that in working together, each will have regard to the need to ensure that there are effective systems of redress for consumers of legal services which are provided by individuals and entities regulated by ICAEW.
4. The Legal Ombudsman and ICAEW are committed to cooperating and sharing knowledge and expertise to benefit consumers and providers of legal services.

Roles of ICAEW and OLC

5. ICAEW is an Approved Regulator and Licensing Authority under the Legal Services Act for probate activities. Under the Act, ICAEW is required to act in a way which is compatible with the regulatory objectives and have regard to the principles of better regulation.
6. So far as is relevant for the purposes of this MOU, ICAEW is established under Royal Charter of 11 May 1880 and the Supplemental Charter of 21 December 1948 to regulate Chartered Accountants. ICAEW also has specific responsibilities as a statutory regulator in the areas of audit, investment business and insolvency, and is recognised as a supervisory body by HM Treasury for the purposes of the Money Laundering Regulations 2007.
7. 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.

8. 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

9. ICAEW and the Legal Ombudsman agree that they will:
- a) seek to ensure that consumers, authorised persons, ICAEW accredited practices and others using ICAEW regulated legal services understand and are not confused about the different roles of each organisation;
 - b) seek to achieve a complementary and consistent approach to the resolution of legal services complaints 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 in relation to the resolution of legal services complaints.
10. In relation to legal services, ICAEW and the Legal Ombudsman will agree and periodically review operational procedures on:
- a) routine information sharing including data on regulated firms and general reporting requirements to support the investigation of complaints by the Legal Ombudsman and ICAEW's regulatory functions;
 - b) dealing with cases or trends that raise broader regulatory, policy or other issues; and
 - c) any other relevant operational arrangements.
11. Subject to relevant restrictions on the disclosure of confidential information:
- a) the Legal Ombudsman will give ICAEW information which suggests that regulatory action may be required in relation to entities it regulates;
 - b) other than in exceptional cases, where information falling within (a) above is about a Chartered Accountant 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 ICAEW;

- c) ICAEW 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 ICAEW by the Legal Ombudsman.

12. The MoU will be complemented and supported by written operational procedures agreed between the Legal Ombudsman and ICAEW. At a minimum these procedures will cover:

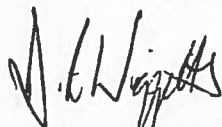
- the information to be disclosed and the circumstances in which such disclosure must be made as required by section 144(1) and (2) of the Act;
- details on the procedures for co-operation and information sharing;
- arrangements for dealing with hybrid complaints (a complaint which has both a service and conduct element); and
- reporting professional misconduct in accordance with section 143 of the Act.

13. The Head of Operational Insight and Engagement at the Legal Ombudsman and the Head of the Professional Conduct department at ICAEW will be responsible for determining and agreeing operational procedures and putting in place effective working practices that meet the overarching objectives of this MoU.

14. The Legal Ombudsman and ICAEW will continue to monitor the operation of this MoU and review it as necessary.

Nick Hawkins,
Chief Executive, Legal Ombudsman

Date:



Duncan Wiggetts
Executive Director, ICAEW Professional Standards

Date: 20 February 2017

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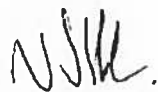
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Nick Hawkins,
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Date: 20/3/17.

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Executive Director, ICAEW Professional Standards

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