

Justice Committee

Oral evidence: Pre-appointment scrutiny of the Chair of the Office for Legal Complaints, HC 1075

Wednesday 22 March 2017

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Members present: Robert Neill (Chair); Alberto Costa; Kate Green; Mr David Hanson; Victoria Prentis; Jo Stevens; and Keith Vaz.

Questions 1- 79

Witness

[I](#): Wanda Goldwag

Examination of witness

Witness: Wanda Goldwag.

Q1 Chair: Good morning. Thank you very much for coming in to see us. You are welcome. Before we start, we just have to go through the formal procedure of declaring our interests. I am a non-practising barrister and consultant to a law firm.

Alberto Costa: I am a practising English solicitor and a non-practising Scottish solicitor.

Victoria Prentis: I am a non-practising barrister and my husband is a practising barrister.

Jo Stevens: I am a non-practising solicitor and my partner is a practising solicitor.

Keith Vaz: I am a non-practising barrister and my wife is a solicitor with her own firm.

Kate Green: I have no relevant interests.

Chair: Ms Goldwag, we have seen your CV and had a look at all the various forms around interests and other things you have told us about, for which I am grateful. Are there any other current or possibly future pecuniary or non-pecuniary interests that might be relevant and which you wanted to draw to our attention today?

Wanda Goldwag: No.

Q2 Chair: We have all the information.

Wanda Goldwag: You have all the information.

Q3 Chair: That is fine; thank you very much. We are interested in knowing a bit about you. We have seen the CV, but what do you think are the main skills you can bring to the job?

Wanda Goldwag: Looking at this particular role, one of my skills is stakeholder management. I have often worked in very complex settings. I think you probably all know that this is a rather complex setting. There are quite a few people involved in the process. To give you an example, as I am sure you know, you get briefed to attend one of these meetings. I had to have four separate briefings, because there were four separate organisations who felt that they needed to let me know how to do this and what would be required of me.

Stakeholder management is one of the things I do well. I have done it in really very difficult situations. I did it at Airmiles with people who would otherwise have machine-gunned each other. I have done it in the music industry, where very big players are fighting to the last dollar for music revenue. I have always been a person who chaired those forums well. I do it because people understand that I am trying to create a good governance process. That is one thing.



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The second thing—although I probably did not know it when I started applying—is that I have actually run a lot of IT systems. You may know that the organisation has had one or two IT issues. I used to run the whole of the IT system for foreign exchange for Thomas Cook—the development of that. I have some insight into some of the things that went wrong, and I hope to have a little bit of insight into fixing it.

Thirdly, I have a bit of a background in recruitment. I have been a civil service commissioner for five years, and I have done recruitment elsewhere. I am aware that we have some people and culture issues. I hope to be able to be helpful in that.

Q4 Chair: Has any of your background encompassed ombudsman-type operations or complaints redress type of things?

Wanda Goldwag: I was the ultimate, although not really an ombudsman, at Airmiles. When people had been very badly treated by our parent company, British Airways, and thrown off a plane because they had only paid by a loyalty card and loyalty points, I refereed. I also created a forum in which we intervened when people who were Airmiles customers got products other than BA flights—package holidays and car hire rental. When I joined Airmiles, we used to say, “Well, that’s not us. That’s your problem, so you go and deal with it.” I set up a system where we handled it on their behalf.

Secondly, as you will see from my CV, in the music industry I also worked as chair of a joint venture. I won’t go into the gory details, but basically everybody in the world needs to identify the piece of music that has just been played and who owns it. In every country of the world, it is owned by someone different. You might think it is owned by Paul McCartney, but in a small territory it is owned by a subsidiary of EMI, which bought it off a subsidiary of someone else. When those things go wrong, we are literally talking about millions of pounds of money.

I refereed for eight years—I think it was eight years in the end—a group called the distribution committee, which, as its title suggests, was about distributing money. Every single person in the room needed to get that money—every single person. They were bonused on receiving that money, and every single person in the room wanted to be able to justify why it was their money and not somebody else’s. I refereed that.

Chair: Thank you; that is very helpful.

Q5 Keith Vaz: You have an awful lot on your plate. Why on earth do you want to take on another job?

Wanda Goldwag: I don’t have an awful lot on my plate.

Q6 Keith Vaz: Let’s go through it. You are a civil service commissioner—

Wanda Goldwag: No, I am not.

Q7 Keith Vaz: You are an adviser to the private equity firm Smedvig.



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Wanda Goldwag: Yes.

Q8 **Keith Vaz:** You are the chair and independent standards commissioner for the Senet Group.

Wanda Goldwag: Yes.

Q9 **Keith Vaz:** You are a lay member of the QC appointments panel. You are the co-founder and non-executive chair of the HR company True North Human Capital. Are you superwoman?

Wanda Goldwag: Actually, I think I possibly am, but most of those roles are non-exec, and, as you know, because I am sure you also have non-exec roles, they are not full-time nine to five roles. They are very much evening, weekend and phone call-type roles.

The role that takes up absolutely enormous amounts of my time is civil service commissioner. I usually sit where Robert is sitting and I chair interview panels. That ends on 31 March. I will be very sad, but it has taken up sometimes two to three days a week of my time, and it goes. I am not allowed to be renewed and I will miss it, but there it is. In short, I am in great danger of having very little to do.

Q10 **Keith Vaz:** This is quite a big job in the profession, isn't it?

Wanda Goldwag: Absolutely, yes.

Q11 **Keith Vaz:** People will look to you, and the job that you do, in order to be available to deal with things. It is not just running the business; it is also pronouncing.

Wanda Goldwag: Indeed. There is a lot of stakeholder management and a lot of attending conferences. There is a lot of attending events. I am really very clear that I have the time. The statutory time required is 60 days. I have made the assumption that it will be double.

Q12 **Keith Vaz:** Anyone who takes on this job always does more than is anticipated. Have you visited many solicitors' firms?

Wanda Goldwag: I have not as part of this process. In my life, I have attended quite a few solicitors' firms and I have attended quite a lot of barristers' conferences.

Q13 **Keith Vaz:** But have you actually visited? Would you know what a solicitor or a barrister does in their day-to-day work?

Wanda Goldwag: I am here as a lay person, so I think I have a lay person's knowledge of that. I have also commissioned both solicitors and barristers, and I have sat on the QC appointments panel for the last year, so I know a great deal about the extremely detailed work that barristers now do.

Q14 **Keith Vaz:** I understand that, but have you actually gone in and visited or spent a day, or might you do that in the future?



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Wanda Goldwag: Of course I will do it in the future. I think the last time I was in a solicitor's office was when I was going through a rather messy divorce. I spent quite a bit of time in a solicitor's office, which was very helpful.

Keith Vaz: I think too much information though.

Q15 **Chair:** You regard some sort of familiarisation visit as essential.

Wanda Goldwag: Of course, absolutely essential. When I joined Airmiles, what everybody wanted me to do was to go to a BA board meeting. I upset everyone by not doing that. I sat for a day on the phones at Airmiles listening to our quite junior staff answering telephone calls. That is exactly the sort of thing I would do; I would go and sit in on the phones. I would listen to people, and in the case of LeO I would also look at the paperwork. I would probably follow a couple of cases. The day I arrive, I will take one of the cases and make it mine, in the sense of following it through.

Q16 **Chair:** That is very helpful. You don't think the QC appointments panel causes any conflict.

Wanda Goldwag: I don't think it does. Certainly they do not think so, and the LSB and—

Q17 **Chair:** You have talked it through with them.

Wanda Goldwag: Yes, I have talked it through.

Q18 **Alberto Costa:** Good morning. It is a pleasure to meet you. You have a very impressive CV. Have you ever been regulated yourself by any regulatory body?

Wanda Goldwag: Yes. I was a marketing director at Fidelity Unit Trusts. We were regulated by the financial services people at a time when what I did was seen as quite dangerous. I am so old that I was one of the very first people doing things such as direct marketing and database marketing for unit trusts, as opposed to having intermediaries and accountants doing the selling.

Q19 **Alberto Costa:** When you say yes, do you mean the entity was regulated?

Wanda Goldwag: Yes.

Q20 **Alberto Costa:** Or was it you as an individual?

Wanda Goldwag: No, I was not senior enough to be regulated.

Q21 **Alberto Costa:** You have not, as an individual, been regulated by any regulator before.

Wanda Goldwag: Yes. I was chair of an employee benefits business called You At Work, which was a subsidiary of Barclays Ventures. I was an approved person during that process.



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Q22 **Alberto Costa:** Under the FSA rules—the handbook.

Wanda Goldwag: I want to make sure I am absolutely answering this correctly. The body was, our finance director was and our chief executive was. Because I was a non-exec chair, I am not sure that I was actually as an individual.

Q23 **Alberto Costa:** In fact, you have never had to do any regulatory compliance work as an individual.

Wanda Goldwag: No, not as an individual.

Q24 **Alberto Costa:** You have never had to inform any client you have ever dealt with that you are a regulated individual and you are subject to a complaints procedure. You have never had any of that.

Wanda Goldwag: No.

Q25 **Alberto Costa:** You talked about Airmiles. Did I hear you correctly when you said at the outset that there was a fear that people machine-gunned each other? Is that the phrase you used?

Wanda Goldwag: Yes. That was perhaps a bit dramatic, but at the time two people who issued air miles were Sainsbury's the supermarket and Shell petrol company. You may remember at that point that suddenly supermarkets began to be banks and petrol stations and those people were in deadly competition. I needed to have them in a room like this and get them to agree marketing plans.

Q26 **Alberto Costa:** What actually happened during your tenure with BA? What happened to BA air miles?

Wanda Goldwag: What happened during my tenure? The year I was managing director, we made slightly more money than British Airways. We made a profit of £20 million, and they did not.

Q27 **Alberto Costa:** Did you leave when it was still called BA Airmiles or when it turned into Avios?

Wanda Goldwag: I left before that. I left when it was called Airmiles and it was run as an independent company, although it was 100% owned by BA. Subsequently, it was called BA Airmiles and later still it became Avios.

Q28 **Alberto Costa:** Just for clarity, so that I understand the experience you are presenting to this Committee, was it during your tenure as managing director of Airmiles that it was sold to British Airways, or did you leave prior to that point?

Wanda Goldwag: No. It was sold to British Airways before I joined.

Q29 **Alberto Costa:** Can I turn to your experience with the Senet Group as outlined in the CV? That is possibly one of the most relevant issues in terms of regulation. I think you touched on it. Your CV states that you are "chair and independent"—I emphasise that word—"standards



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commissioner of the self-regulatory body for the gambling industry.” I understand that in effect you self-regulate bookmakers. Is that correct?

Wanda Goldwag: Not quite. I self-regulate bookmakers and I now self-regulate some very large internet betting companies as well, like Sky Bet. They created the code, and that is the point it is important to understand. This was not imposed on them by Government or for any other reason. They created a code, and then they wanted to hold themselves to a standard. That is what I and the other independent non-exec directors do.

Q30 **Alberto Costa:** I emphasised the word “independent.” Given that you are chair of the body, you must believe in that self-regulating body. You must believe it works.

Wanda Goldwag: I believe absolutely in self-regulation as a principle. What is always good is that people regulate themselves, because they regulate themselves appropriately. I think you need—

Q31 **Alberto Costa:** Sorry to intervene, but do you understand that legal services providers do not self-regulate?

Wanda Goldwag: Yes.

Q32 **Alberto Costa:** To emphasise the point you just made, you said that you believe absolutely in the principle of self-regulation.

Wanda Goldwag: Yes.

Q33 **Alberto Costa:** Why do you think you are suitable to chair the complaints body of an organisation that is the complete opposite of self-regulation, where the ethos rejects the concept of self-regulation?

Wanda Goldwag: Because what is always important is what the end result is. How you get there is a matter of the industry, its standards and the people in it. In the gambling industry, there are some very respectable companies who wish to behave very well and who can sit together and make some decent decisions about what they should be doing.

I think that is in everyone’s interest—in the interest of consumers, those companies and the Gambling Commission. The Gambling Commission agrees that self-regulation is always a very good start, but you always have to have the ability, if that is not working, to have real regulators, if I may say so.

Q34 **Alberto Costa:** I am glad to hear that you believe in the principle of self-regulation. Most lawyers would probably agree that that is not the position of the legal services system as it stands.

I want to turn now to the legal ombudsman itself and the rules of the scheme. Presumably you have read the rules of the scheme and you are familiar with the legal ombudsman scheme. After all, you want to chair the board that sets the rules.



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Wanda Goldwag: I have not read every single piece of paperwork; no, I have not.

Q35 **Alberto Costa:** I am not asking if you have read that. I am asking whether you have read the rules of the legal ombudsman scheme.

Wanda Goldwag: No. I have read the strategy paper.

Q36 **Alberto Costa:** You have not read the rules.

Wanda Goldwag: No, I have not.

Q37 **Alberto Costa:** I turn to the candidate information pack that was sent to you. One of the duties of the chair is to keep under review and propose changes to the rules.

Wanda Goldwag: Yes.

Q38 **Alberto Costa:** That is one of the key roles, but you have confirmed to this Committee that you have not read the rules.

Wanda Goldwag: No, I have not.

Q39 **Alberto Costa:** At this stage you do not have any idea of what key priorities you might have in terms of looking at the rules and how they might change.

Wanda Goldwag: No. I have key priorities for the organisation, which is what I think a chair should be doing. I would expect—

Q40 **Alberto Costa:** Sorry to interrupt, but the information pack that you were sent states that one of the key priorities and key responsibilities of the job is “keeping under review and proposing any changes to the rules,” but you have not read those rules.

Wanda Goldwag: I have not read those rules in detail.

Q41 **Alberto Costa:** I wanted to ask what your thoughts were about one of the rules the previous chief ombudsman brought in, if I recall correctly. It is that lawyers—by lawyers I mean all regulated barristers, solicitors, licensed conveyancers, notaries public, and so on—must inform prospective clients about the rules of the ombudsman scheme. In other words, before they enter into contract with their client they must inform the client that the client can complain about them. Have you ever worked in an industry where you had to do that?

Wanda Goldwag: No, I do not believe I have.

Q42 **Alberto Costa:** What would you think of working in an industry where at the outset you have to inform a client, “Before we enter into contract, by the way, you can make a complaint about me and this is the body to whom you would make the complaint”? What are your initial views on hearing that, given that you have not read the rules?



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Wanda Goldwag: I think this is about a world in which we are trying to protect consumers and very small businesses. The more reassurance people can have, the more likely they are to feel good about the process they are going through, which can often be a very scary one. Most of you appear to have very good litigation experience, but if you are a consumer you probably do not do this more than once or twice a year, or a lifetime actually. Knowing that if something goes wrong you are not on your own is a good thing.

In my time in the travel industry, when I worked at Thomas Cook we were a member of ABTA, the Association of British Travel Agents. If we behaved badly, consumers could take us to ABTA, and ABTA had powers. What I do not know, Alberto, is when exactly you are told that you are covered by ABTA. All our marketing material, for example, would have said that Thomas Cook was a member of ABTA, which is effectively the same thing as saying, "You have the right to complain somewhere." We did not write in a letter, "You have the right to complain."

Q43 **Alberto Costa:** The first ombudsman introduced the concept of lawyers having to inform clients up front that they can complain about the lawyer. There is a difference between saying that explicitly and having something in a marketing brochure that says you are a member of an organisation. Would you accept that there is a difference?

Wanda Goldwag: Yes, I would. Why do you feel it is wrong? I am sorry, I am probably not allowed to ask you questions, but I wondered why you feel it is wrong to do that.

Q44 **Alberto Costa:** I am throwing it to you. I wanted to hear your response to a rule introduced by the previous ombudsman, which lawyers generally feel is unfair. It puts lawyers in an odd position vis-à-vis any other commercial operatives.

Wanda Goldwag: The short answer is that I cannot answer that right now. I do not feel that it would be appropriate for me to do that.

Q45 **Alberto Costa:** If you are approved for this role, could you perhaps come back to the Committee with your views on the scheme and any potential proposed changes to the scheme, particularly on that issue?

Wanda Goldwag: I would be delighted to, with my colleagues.

Q46 **Alberto Costa:** I am coming to the end of my line of questioning. Presumably, again as part of your application, you have read the most recent annual report entitled the "Legal Ombudsman Report and Accounts 2015-16."

Wanda Goldwag: Yes. I am very aware that the accounts have not been approved three years in a row—very aware.

Q47 **Alberto Costa:** Are you aware of irregular financial allowances to previous staff?



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Wanda Goldwag: Yes, I am.

Q48 **Alberto Costa:** What are your views on that?

Wanda Goldwag: I have chaired audit committees to NAO standards, and I think that when you look at public money you absolutely cannot do things like that. Again, it is probably one of the reasons why people think I might be able to do this role; I have actually chaired audit committees to that standard with no problems.

It is distressing when public organisations that people expect to be quite well supervised do things like that. It is something that I take very seriously. You will have seen that I have been a Postcomm commissioner and I have been a civil service commissioner. I have sat down and written down my tube tickets and sums of money of 40p. That is what you have to do with public money.

Q49 **Alberto Costa:** You can accept the irony that the first ombudsman produced under this scheme ended with someone publicly saying that they had resigned, but in fact this Committee was told—correct me if I am wrong, Chair—by the permanent secretary at the Ministry of Justice that they were dismissed from the role. You can accept that it is a somewhat ironic situation.

Wanda Goldwag: Yes. It is not only ironic—it is distressing.

Q50 **Alberto Costa:** I want to move on to my final question. You mentioned stakeholder management, and I very much welcome that. Do you know how many regulators your organisation polices under the Legal Services Act?

Wanda Goldwag: The plethora of organisations is a concern. If you are about to ask me whether I think they should all be merged, the answer to that question is that I do not know.

Q51 **Alberto Costa:** I have not asked that. I asked a very specific question, Wanda: do you know how many regulators there are?

Wanda Goldwag: I do not know that I have counted them all. I know the major ones. I know about solicitors—

Q52 **Alberto Costa:** Tell us what the major ones are.

Wanda Goldwag: The solicitors, the barristers—

Q53 **Alberto Costa:** But what is the regulatory body called for solicitors?

Wanda Goldwag: The Solicitors Regulation Authority.

Q54 **Alberto Costa:** Could you name the other ones?

Wanda Goldwag: No, I think my mind has just gone blank. There is the Patent Registry; the barristers.

Q55 **Alberto Costa:** There are eight regulatory bodies currently and



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potentially another two, and there is an overarching regulator. Do you know what the overarching regulator is called?

Wanda Goldwag: The Legal Services Board.

- Q56 **Alberto Costa:** That is correct, yes. There are eight regulators, all of whom have the ability to authorise persons the public would call lawyers, whether they are notaries, solicitors or barristers, and so on. Your organisation, within certain criteria, has the jurisdiction to receive complaints. Would you make it a priority to liaise with all those stakeholders and ensure that the concerns of their members are addressed, perhaps in a way they have not been since the creation of the body that you seek to chair?

Wanda Goldwag: Yes, absolutely, but why has it not been taken into account?

- Q57 **Alberto Costa:** That is something perhaps for you to find out, if you are approved in the role, and to bring back to this Committee.

Wanda Goldwag: Absolutely. I am going to take a wild guess that one of the issues that people focus on is the one that has the most numbers, which is the solicitors. It is about 140,000, if you are going to ask me that question. Smaller bodies get ignored. That is absolutely not the way to do these things. Smaller bodies need more of a voice in the setting up of schemes.

Alberto Costa: Thank you very much.

- Q58 **Chair:** I get the sense that you will be making it a priority to engage with those people.

Wanda Goldwag: Yes.

- Q59 **Chair:** Are you going to produce a strategy—you talked about that—for going forward?

Wanda Goldwag: The organisation has literally just created a strategy, which is going to be for the next three years. I do not think the thing to do, as the new chair, is to come in and blow that up. The short answer to the question is no. If you mean, do I need to make sure that that is correct and the right thing to do over a period of time? Absolutely. That is the role of the chair and the board. There are some absolute key priorities for the organisation. I am not under the impression that the organisation does not need some change. One of the things I would like to help with is a bit of change.

- Q60 **Victoria Prentis:** On those key priorities, clearly accounts—I'm guessing—are going to be one, and possibly the timeliness of the way complaints are dealt with.

Wanda Goldwag: What happens to organisations that have had a technical problem is that everyone gets focused on the IT system: "If we just resolve the IT system, this will be fine." My experience of brilliantly



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working IT systems is that you can still create a very bad service. There has been a focus on technology that does not work. I think there should be a focus on what we are doing, and its timeliness and quality.

I get very concerned about KPIs that are just about timeliness. If I say to you, "You've got to do this, Victoria, and you've got a week to do it," you will do it, but someone else will then rework it, or it will not be appropriate, or the documentation will not be done properly. What I hope I bring as chair is an understanding that you need a complete focus on the process as a whole, of which technology is a part.

I am aware that timeliness has not been great, certainly compared with other organisations I have been involved in. I find it a little odd that we congratulate ourselves that something has been resolved in a year. There are some things that take more than a year to resolve, but they really ought to be relatively extraordinary.

Q61 **Victoria Prentis:** Are you a micromanager?

Wanda Goldwag: No, I am afraid not. As you can see, I have not micromanaged by reading the code.

Q62 **Victoria Prentis:** You have not started yet.

Wanda Goldwag: One of the things I do to learn things is to read—to be serious for a moment. I absolutely understand that within a few months I need to be able pretty much to recite some of this stuff. It is appropriate if you are the chair of an organisation to understand the absolute framework you are working in. But no, I am not a micromanager. As you see, most of my roles are non-exec. I absolutely understand that phrase, and in the situation of chair I would look to my chief exec and his or her colleagues, the legal ombudsman and so on, to do the micromanagement.

Q63 **Alberto Costa:** Could I come in with a question? I welcome the comments you make. In the run of the mill of an organisation of this ilk one would not expect micromanagement from the chair, but given that the role specifically states looking at the rules and proposed rules, I go back to Mr Vaz's question about whether you have ever been in an organisation that provides regulated legal services, whether it is a barrister's chambers, a law firm or a notary public organisation, and so on.

Wanda Goldwag: I have been in them. The question was whether I had done it recently as part of this. I have been in a notary's organisation. I have been in solicitors' offices. I have been in barristers' offices.

Q64 **Alberto Costa:** Forgive me; it was my fault for not listening. Could I make a suggestion, if I may?

Wanda Goldwag: Sure.

Q65 **Alberto Costa:** If you are approved in this role, will you make it your



task to breach the principle that you do not micromanage, and go to see it at the colloquial coalface? I am sure that will help you enormously.

Wanda Goldwag: Absolutely. I do not think that is micromanagement. What I was answering was a different question. I am not going to micromanage very detailed things within the organisation. That would be completely inappropriate. As I said to you about my Airmiles experience, and I could have said to you about my Senet experience, I always start with the people I am dealing with, not with the trade bodies and the parent companies.

Q66 **Jo Stevens:** I have one question. I am interested to know what sort of innovation you might bring to the role. You talked about the need for change. Are there particular innovations you can see that you would want to achieve?

Wanda Goldwag: I am quite concerned about the current processes. I think they need a root-and-branch review. It is terribly easy to get bogged down in day-to-day processing. As an example, consumers are very much more used nowadays to making complaints online—having some of that done online. It may be that we cannot do the whole process online, but at the moment the legal ombudsman does not have a portal, as I understand it. I would have expected a portal.

One of the other innovations I would like to make is to have a bit more clarity about the vegetable stew of organisations that Alberto talked about. As a consumer, particularly in complex transactions, it may actually be true that there are two or three ombudsmen you could go to. It is not for you as a consumer to have to discover that. It would be appropriate for me and the other ombudsmen involved in this area to find some methodology that says, “If your issue is this, this is who you go to. If your issue is that, this is it.” That is if you cannot work out yourself what the issues are. I am not talking about huge brand campaigns, just to be completely clear, but at the point when someone needs information, it should be relatively easy to get to and I do not think it is.

Q67 **Kate Green:** One of the functions or responsibilities of the role is to protect the independence of the ombudsman in relation to decisions taken. What threats can you envisage to that, and how do you plan to rebut them?

Wanda Goldwag: Of course, it always depends on who takes the process out and who they find against. I have worked in situations where quite a large amount of Government or ministerial pressure has been put on organisations. I have been quietly able to be robust without being aggressive in those situations.

Q68 **Kate Green:** How have you done that?

Wanda Goldwag: I take the view that everyone is actually a person of good will. I always start with the process that if someone rings me up and says, “You must do this for this reason, it is secret and it is



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essential," they are not doing it because they are bored but because they have a reason. You understand why people have an issue with a decision or a policy. You explain your position and the processes you have gone through.

One thing for me about an ombudsmen process is that it must be absolutely transparent at every stage why a decision has been made and which issues were taken into account, and what knowledge we did not have, for example. Sometimes you are in a situation where you cannot make a judgment because you do not have the information. Very often, explaining to people in detail what the process has been takes some of the sting away. On the very rare occasions that I have had to deal with a Minister behaving badly, I have said, "You are behaving badly, Minister."

Q69 **Kate Green:** In terms of dealing with professionals, do you envisage pressure coming from those you are regulating?

Wanda Goldwag: Yes, but I think that is appropriate.

Q70 **Kate Green:** How would you protect the ombudsman's independence?

Wanda Goldwag: This is always about a process that has to be seen as fair to both sides. It has to be seen as fair to consumers and to microbusinesses, but it also has to be seen as fair to the professions that are being regulated. If they feel that things are being done on a whim or without proper process, or that they are being disadvantaged, the process will fail in the end. An ombudsman must always have authority but also the consensus approval of the professions.

Q71 **Kate Green:** What about the media? How would you handle their interest in the work of the ombudsman?

Wanda Goldwag: I hope I would handle it appropriately. I am not sure that I would necessarily be the person who always spoke to them. I think you need to be careful as chair. The person—she is sitting behind me actually—who would normally want to speak to them is the legal ombudsman. Would I protect her if there was an unjustified attack? Absolutely, I would. I do not think being chair is about hogging the media. Being chair is about making sure the organisation is fit for purpose.

Q72 **Kate Green:** I agree that it is not about hogging the media, but you can envisage situations where the media are taking a very active interest in the organisation in a way that has an impact on its reputation and the public perception of it. How do you see the chair's role in managing that?

Wanda Goldwag: Of course, I have actually had to do that a couple of times in my life. I have sat on the "BBC Breakfast" couch and answered questions. Where appropriate and when it is agreed that I am the right person to do it, I would do media interviews. I would talk to journalists. What I would always try to do is calmly put the merits of our case. I would not say, "Well, we can, can't we?" I would say, "The reason these



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decisions were taken was this," and "This was the evil we were seeing, or the poor behaviour we were seeing in this small part of the profession."

I would go on to say that, considering how many legal transactions happen every year, we handle a rather small number of complaints. If you think about how many solicitors there are, how many barristers and how many patent experts, the fact that we are handling around 7,000 cases seems to me to be a reflection of an industry that is behaving quite well, and handling its own complaints quite well.

Q73 Kate Green: What do you consider is the appropriate relationship between the ombudsman and Parliament?

Wanda Goldwag: The body or the individual.

Kate Green: Both, actually.

Wanda Goldwag: The appropriate relationship is a professional role. It is to do it in a way that is timely and efficient, and also cost-effective. In the end, it is also about improving the situation. I do not think it is just a passive processing role. If all the ombudsman did was to be a bit timelier about processing, I do not think that would help. The ombudsman has to help legislators and the profession by saying, "These are the things that are going wrong." We do not necessarily have to say, "It is X, Y or Z company," but, "This is a trend and you might want to legislate about this or improve practice in this area."

Q74 Kate Green: You envisage quite a proactive role in helping to suggest areas for policy attention.

Wanda Goldwag: I do not know yet, because I do not know enough about how it is working and how well it is working. My belief is that the Legal Services Board is in a good place to see quite a lot of that. It may be that we will feed some of it into the LSB and they will feed it to the Ministry of Justice. I am sure you know, and I have learned, that there is quite a triangular relationship of who you talk to. I would always talk to everyone, by the way, until they told me not to.

Chair: Are there any other questions?

Q75 Alberto Costa: I have a couple, Chair, if I may. I take it that you believe in a level playing field, Wanda. You have a lot of commercial expertise. I take it that you believe in the phrase a level playing field in the marketplace.

Wanda Goldwag: Yes, I think so.

Q76 Alberto Costa: Are you aware that lawyers have felt somewhat aggrieved over the last five or six years that non-regulated individuals provide what loosely can be termed as legal services?

Wanda Goldwag: Yes.

Q77 Alberto Costa: The drafting of wills is an example. The ombudsman has



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historically sought to extend its jurisdiction to areas or individuals who are not authorised persons. Is that an area you might want to look into as well, in terms of policy? You mentioned trends and helping legislators. It might be an area that could foster better relations between those regulated and under the jurisdiction of the ombudsman scheme and those that are not. It could help.

Wanda Goldwag: Yes, that is very interesting. I have been told two contradictory things in my briefings. Would you like to know what they were?

Alberto Costa: Of course, yes.

Wanda Goldwag: The first was that people who are regulated want to stay regulated and they do not want those other people to be regulated, because they see that is an asset to them.

Q78 **Chair:** It is a selling point.

Wanda Goldwag: They can say, "Well, I am a barrister or a solicitor and I am regulated and those people are not." It has been suggested to me that the professions might feel that way. It has also been suggested to me that the professions feel that it is not a level playing field, because they have to obey codes and rules and the other people do not, and therefore they gain benefit. I do not know where I would come down on that at the moment because, as I said, I have been told two contradictory things. But I will know within a period of time what I think about it, and I would be delighted to tell you.

Alberto Costa: Thank you very much.

Q79 **Chair:** Perhaps that is a good note to end on. You are very happy to come back in, say, six months and say how you found the state of things, and bring us up to date with your thoughts on everything.

Wanda Goldwag: Yes. Thank you very much.

Chair: Is there anything else you are bursting to tell us?

Wanda Goldwag: No, not really.

Chair: Thank you very much for your time. It is much appreciated.