



Legal Aid
Agency

By email only

Sir Bob Neill MP
Chair, Justice Select Committee
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Dear Sir Bob,

Re: Legal Aid Agency complaints handling process

Thank you for your letter dated 9 March 2020, regarding the case of Paul Greenberg. Mr Greenberg's complaint involved the application of a sanction by the Legal Aid Agency (LAA). You have asked my views on the extent of improvements made to the LAA complaint handling processes. This follows a previous letter sent to the committee by my predecessor, Shaun McNally CBE on the 29 June 2018. You asked whether these improvements had met Mr McNally's and the LAA's objectives when implementing them.

I am confident that the improvements mentioned in Mr McNally's letter of the 29 June 2018 have and continue to significantly improve the LAA's complaint handling processes. Clear examples of this show that the changes have increased our consistency and quality for complaint handling.

The improvements outlined in Mr McNally's letter built upon changes in LAA complaint handling that took place in 2016 at the start of Mr McNally's term as Chief Executive. Since 2018 and Mr McNally's letter, the LAA has noted a nine percent reduction in escalation to the second tier of our complaint process. However, the LAA has achieved a 33 percent overall reduction in escalations to the second tier since that initial improvement work began in 2016. However, in the Parliamentary and Health Service Ombudsman's (PHSO) report the issue of the LAA's Contract Management department was raised. The report found that this department had failed to make a determination of its own in this matter. There were considerations to be made under our own internal guidance and standards that were not adhered to when we applied the sanction to the individual case.

I accepted those findings in respect of the standards of service provided by the LAA.

I can confirm that on 8 January 2020 the LAA's Contract Management and Assurance Legal lead conducted a review of the Sanction 5 guidance against the 2017 Standard Crime Contract taking full account of the findings in the complaint upheld by the PHSO.

The revised guidance was circulated via the LAA's intranet page on 28 January 2020 and can be accessed by all Contract Management and Assurance employees. Further to this, the revised guidance was also sent directly to all Contract Managers and Contract Management and Assurance Senior Leadership Team on 30 January 2020.

In a meeting held on 17 February 2020, our Senior Leadership Team considered the changes to the guidance and the reasoning behind the decision to amend. The team also discussed and were made aware of the context of the complaint from Mr Greenberg, which was upheld by the PHSO. This meeting and discussion also reflected on the 'Principles of Good Administration' document and in particular on 'Being open and accountable' and 'Acting fairly and proportionately'.

I can confirm there have been no further sanctions made since the implementation of this guidance.

In respect of the complaints process within Contract Management & Assurance, once a complaint has been registered with the LAA's new Central Complaints Team they are sent through to the Contract Management and Assurance Governance team. They in turn log the complaint, make a note of the deadlines and save all relevant documentation to ensure audit trails. They will refer all complaints on to the Senior Leadership Team who determine the appropriate person to investigate and respond.

I am satisfied that this reflects the lessons learned from the complaint upheld by PHSO and the ongoing reviews and checks to ensure guidance is applied appropriately.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Harbottle', with a stylized flourish at the end.

Jane Harbottle
Chief Executive



Justice Committee

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9 March 2020

Concern has been raised with the Justice Committee concerning the case of Mr Paul Greenberg, who received an apology from the LAA in December 2019 after the PHSO recommended that action as a result of an investigation into a maladministration complaint from Mr Greenberg.

My Committee is precluded from considering individual cases, and I am aware that the PHSO is satisfied that the apology given by the LAA meets its recommendation and closes that case. My Committee seeks no information in relation to Mr Greenberg or his individual case.

Mr Greenberg has, however, raised with us assurances given by your predecessor, Shaun McNally CBE, to the Committee in his letter to us of 29 June 2018 setting out what lessons the LAA had drawn from a previous complaint by another complainant and the re-evaluation of the LAA's complaint-handling process that resulted from that complaint.

Mr McNally was confident that procedural changes and improvements in the process would strengthen the LAA's ability to resolve complaints appropriately. May I seek your views, for the record, on the extent to which the improvements made have met Mr McNally's and the LAA's objectives in introducing them?

Yours sincerely,

Bob Neill MP
Chair
Justice Committee