Submission from British and Irish Ombudsman Association for the Legal Profession and Legal Aid (Scotland) Bill

As you are may be aware, the British and Irish Ombudsman Association (BIOA) responded in August 2005 to the Scottish Executive consultation paper: Reforming complaints handling, Building consumer confidence – Regulation of the Legal Profession in Scotland. One of the points made in our response was the recommendation that any proposed new legal complaints scheme be called an ombudsman scheme.

BIOA understands that the name in the Bill of the new legal services complaint-handling scheme is the ‘Scottish Legal Complaints Commission’. BIOA feels very strongly that the scheme should be known as an ombudsman scheme, with the word ‘ombudsman’ in the title. It is one of BIOA’s core objectives to encourage the use of the title of ‘ombudsman’, a term which continues to gain growing public recognition and respect. A dilution or fragmenting of the complaint-handling landscape with a plethora of other titles such as ‘commissioner’ and ‘adjudicator’ is not helpful and can confuse, in our view. We feel that it would be a missed opportunity and a shame if a new statutory scheme is given any name other than ‘ombudsman’. We have similarly made this point to the Department for Constitutional Affairs in relation to the proposals in its recent White Paper, The Future of Legal Services: Putting Consumers First, to create a new legal services complaint handling body for England and Wales. BIOA will continue to actively encourage the use of the term ‘ombudsman’.