

OFR is self-regulation? If only!

Legallybetter has had contact from another law firm thinking OFR is self-regulation and that client feedback is not important. Here Finance Director, Dominic Moss, takes a look at the potential bureaucratic issues surrounding Outcomes Focused Regulation. Dom is a practicing solicitor and Senior Partner at a Lexcel accredited firm who has regular dialogue with the SRA hierarchy.

SRA visits apply now more than ever. Since the new OFR came into being, it has become harder to know what behaviours the SRA will fix their sights upon. We can only speculate but, as this is all supposed to be client focused, it seems likely that they will be looking at things like referral arrangements, commissions, clarity and quality of advice and the all too familiar accounts regulations.

Feedback is not a requirement that is written in stone. However, measuring clients' satisfaction in some way or other is. For a small firm with a handful of corporate clients it may be enough to call each one on the phone for a chat. For a large conveyancing practice, you will need some better systems. That is why the OFR is not prescriptive, as compliance will differ between firms.

Question. How do you know that you comply with principle 5 to 'provide a proper standard of service to your client'

OFR O7.3 and IB 7.3 are pretty specific that law firms must have a system for monitoring operation risks such as complaints. O7.8 also outlines the requirements for checking quality of work.

Under Lexcel accreditation, you are actually and specifically required to get feedback. Section 7.6 of the new V5 of the code states that "Practices will have a procedure to monitor client satisfaction across all areas of the practice." It is difficult to see how you can comply with the OFR without this.

As a reminder O7.3 refers to 'Outcome 7.3' as per the OFR regulations (see <http://www.sra.org.uk/freedominpractice/>) and IB 7.3 refers to 'Indicative Behaviour 7.3' For additional information see: <http://www.fedoraconsultancy.co.uk/ofr-interpretation-and-client-feedback-no-help-no-hiding-place/>

CoreLegal seminar raises questions about interpreting OFR.

Legallybetter is a founder member of CoreLegal, the one-stop services shop for all aspects of legal practice administration. The seminar, the first in a series of events that CoreLegal is planning over the coming months, was entitled '*Outcomes Focused Regulation – What It Is And How To Achieve It*'

On 28th November, nearly 70 solicitors and CoreLegal personnel filled one of the conference rooms at the Hotel Russell on London's Russell Square. Expert presenters Paul Bennett and Michaela Hardwick, calling upon a wealth of practical experience together with the highest level of expertise in the fields of consulting, training and performance coaching, gave key presentations on the day.

Since then, a dialogue has started which we wanted to bring to your attention. First of all, one of the speakers, Michaela Hardwick, blogged about the seminar here: <http://www.legalfutures.co.uk/blog/the-scary-new-world-of-ofr> This was responded to by the SRA in a blog of its own: <http://www.legalfutures.co.uk/blog/if-you%E2%80%99re-scared-of-ofr-perhaps-you-haven%E2%80%99t-been-listening>

A few people have commented that the SRA's response is inconsistent with things they were told at the SRA roadshows as well as articles they have seen written by the Law Society's Law Management Section executive committee.

December 2011