

Conclusion

Although the guidance advocates a risk-based approach to implementing policies and procedures, in reality most

businesses will need an anti-bribery policy and, given the amount of preparation and training which is necessary, lawyers should act now to be prepared for the 1st July 2011.

Biography

Amy Bell is a Senior Associate at Pannone. She manages the compliance team who provide support to fee earners in complying with anti-money laundering legislation. She is a member of the Law Society's Money Laundering Task Force which advises the Law Society on guidance to give to members of the profession, and additionally advises on the approach the Law Society should take when responding to proposals for change. She regularly delivers training on anti-money laundering and the Bribery Act.

Legal Information Management, 11 (2011), pp. 108–110
© The British and Irish Association of Law Librarians

doi:10.1017/S1472669611000375

High Kicks and Inner Peace: Knowledge Ninjas at the Legal Ombudsman

Abstract: Sara Meyer, the newly appointed Knowledge Manager at the Legal Ombudsman in Birmingham, describes how they are beginning to set up KM systems to deal with a completely new jurisdiction relating to the hearing of complaints against solicitors. This follows the introduction of reforms contained in the Legal Services Act 2007, which mean that all complaints are now heard by this one organisation.

Keywords: Legal Ombudsman; complaints; solicitors; knowledge management

Introduction

What does a new Ombudsman scheme need more than anything else? Some polished moves to gather and share knowledge, to make sure we know what we need to know to resolve complaints.

The reforms that led to our creation were clear in their intent: simplify the system and provide a slicker operation, so people could be confident that their complaints about lawyers would be resolved independently. This threw down a challenge to us: how to start an organisation from scratch and make sure our 200-odd investigators could show their customers from day one that they could trust us to be fair, effective and, most of all, expert in resolving complaints.

Our jurisdiction is not a simple one. For the first time, complaints about all parts of the legal profession now come under one roof. Before, there were eight different and complex routes to seek redress (in theory, if you were unhappy with the service provided by your notary, the Archbishop of Canterbury was your ultimate appeal route). With us in place, consumers can come to one body. It is simpler.

This means that things are more complicated for us and we think this is just the way it should be. Legal complaints span a rainbow of different issues. We look into complaints from the everyday transactions of conveyancing, divorce and probate, to the areas of high emotion of criminal proceedings, child residency and immigration, to the hugely specialised, such as patent and trade mark issues. The practical concern is often about

communication, or more specifically, miscommunication, between a lawyer and their customer. To show that we know what we are doing and to establish trust with both sides, we need to know a fair amount about the context of a legal transaction and to be able to make an estimate about what reasonably should have happened in any particular case.

How did we tackle becoming an agile, learning organisation? With some key partnerships with experts, a willingness to be curious and, most critically, with lots of good people, our knowledge ninjas, who are prepared for a journey of learning and discovery.

Our sensai?

This is also a personal story for me. I arrived at the Legal Ombudsman after it had opened, late in 2010. I felt what many consumers of legal services must feel at first: a bit bamboozled at the wide array of facts, jargon and sheer bluster that comes with the law and people who feel they are expert in it, and that was despite being armed with many years' experience in various regulatory and professional environments.

At the heart of what we wanted at the Legal Ombudsman was to put in place a culture and framework to share, capture, manage and exploit the knowledge assets we need for ongoing success of the organisation. At the centre of this are the people who work for us, our partners and what we learn from the complaints themselves. It is important that I can bring them together to make sure we are really expert and wise in the way we resolve complaints.

To sum up, we wanted to encourage collaboration and learning to:

- Provide good customer service across the organisation;
- Make decisions with growing wisdom, building on past experience and learning from all stages of our process;
- Enhance our reputation with the benefit of shared learning, not just in our building but with the profession, to help them avoid future complaints; consumer groups, to help people use lawyers more effectively, and policy makers, to help them understand the market and respond to the trends that complaints are highlighting;
- Nimble adapt and respond to an ever-changing environment, be it changes to the consumer affairs landscape, government policy or the way legal services are provided.

In many ways this article is about what I have learned from my time with the Legal Ombudsman. Like all good books, it draws from real life, my life, in developing really excellent information systems and managing knowledge for other big organisations. But at times I have felt I am also a ninja, in my case learning to walk on water to share how we create a knowledge framework that really helps us along.

Nifty knowledge

Knowledge can be everything. If you think about it too hard, it can be an insurmountable challenge. So, before anything else, we wanted to be clear about what we were aspiring towards. At the Legal Ombudsman, we decided that our vision is of

“An organisation where people collaborate to resolve problems by finding the best approach or information that they need to do their jobs”.

It could have included all manner of other things. We also really want to make sure that we as an organisation can share learning from complaints and promote good practice in the legal profession. But for us, the key thing is to establish confidence in consumers, not just in our ability to resolve complaints independently and impartially, but also to help them feel confidence in the legal services market as a whole.

So, our framework for knowledge does not just focus on our core business of resolving individual complaints. We have tried to develop a framework that supports the forward development of the organisation, including the ability to access services, collect feedback, encourage collaboration, develop strategy, inform our stakeholders and feedback to the profession. This is why we like the idea of ninjas, we wanted a framework that will help us harness the collective wisdom of the organisation and synthesise it into useful material that can be shared to improve what we all do.

In the Know

The Legal Ombudsman has been open around six months. We are still new, but now old enough to have seen how the theory of how we set up is translating into practice. What we always said during our set up phase is proving true, we made some mistakes which we are now putting right.

We have eight Ombudsmen and around 200 investigators at the Legal Ombudsman and we have had around 40,000 contacts from people with a question or a query about how we might be able to help. We have also accepted 4,000 or so cases for investigation, most of which we have been able to help resolve informally.

These volumes also made us realise that we needed some tools and some space for people to be able to ask questions and develop our approach and give answers. There is no one way of doing this. Our Ombudsmen meet regularly to talk about what our approach should be and to wrestle with challenging issues about the fuzzy edges of our jurisdiction. But they are not the sole source of knowledge in the organisation. We are very keen that everyone can contribute to developing our bank of learning, so we have tried to develop a range of ways that people can capture and record key tacit knowledge as well as explicit knowledge. We have set up a knowledge network consisting of groups of people who

have an interest in a particular area from probate law to quality and accessibility issues. We established knowledge cafes where speakers, such as costs lawyers, come and participate in question and answer sessions and have launched our new micro-blog called *In the Know* where people can easily share ideas, hints and tips and ask questions or share their knowledge with others.

These have helped us to overcome some of our early challenges. We needed systems and structures to support decision making and to help people feel that they could contribute and learn. This is by no means a finished project, we would still like a more diverse range of tools to help people work together and share good practice and, most importantly, as our knowledge base grows, to help people find things and be able to quickly assess if guidance or tips are relevant and timely for them. To be agile, to access the right knowledge quickly as we are having an informed conversation with the consumer or lawyer on the phone, makes our systems faster and means we can resolve complaints more quickly.

Playful ninjas

Knowledge and its pursuit is, of course, a serious business, as is the matter of resolving legal complaints. We hear many stories of how, if things have gone wrong with your lawyer, it has a huge impact on the person at the centre of it all. We all know how stressful buying and selling a house can be and divorce, wills and most other reasons why you see a lawyer mean that it is often a time of upset and emotion.

We ended up with knowledge ninjas by chance. It is what people like to be called. It is a simple way of acknowledging that an element of playfulness and social collaboration will strengthen our culture of knowledge sharing. For me, what struck home when I started getting emails headed 'I want to be a ninja' was the huge desire of people to learn and to do a good job for the thousands of people who will use our service each year.

We wanted to make it easy for people and encourage them to get to know each other and talk. We thought that if you know where to find someone who knows more than you, and you could spend some time talking to people, it will all build our collective understanding. Our work space, two floors of glass and bright pink carpets, with lots of chairs and informal spaces to get together and talk things through, really helps us with what we want to achieve and we see it working. With an inordinate amount of tea being drunk at the same time, our physical space, all open plan, encourages chatter, with everyone accessible and lots of impromptu discussions and meetings. We have sprinkled our Ombudsmen

around the floor space, so while people have the steady support of being with their teams, they also can easily ask questions and seek help if they have a challenging case.

We will have to keep changing and adapting our ways of doing things, but it is our ninjas who will make sure our knowledge is relevant, current and fit for purpose, gaps are identified, experiential knowledge shared and recorded internally and externally. For example, case record data captured in a consistent way and with understanding of its potential use, will enable us to feed back meaningful data to our stakeholders. The knowledge ninjas are helping to determine how and what we record.

Our challenge for knowledge...

When we came into being, around six months ago now, and after years of government planning and then implementation, one thing was immediately clear to us. The change we were part of, the introduction of a new, independent system of regulation and redress, was part of a wider move to end professional self-regulation, but that was only part of the motivation. In fact, the failures attributed to the old system were as much in delivery as in design. It was immensely complex, with eight different routes for consumers to complain depending on which branch of the profession the lawyer came from, and eight different routes of appeal.

Above all, it was slow. Criticism of the Legal Complaints Service and its predecessor bodies, so prevalent at the time the Legal Services Act was passing through Parliament, was not centred principally on the quality of its decision-making, but on its speed, or lack of it. The historic failure to manage complaints in an efficient and timely manner did tremendous damage to the reputation of the profession. In complaints, as in any other area of the law, the principle holds: justice delayed is justice denied.

Conclusion

Our own challenge of managing some 100,000 contacts and 12,000 cases a year through to a successful, timely conclusion is not an easy one. Timeliness is particularly important, since delay is the single most common issue raised in complaints about lawyers and so our quest for knowledge is also a very practical one. The easier we can make it to find the right information, so we can fairly and quickly resolve a complaint, the better the system will work for everyone.

Biography

Sara Meyer is the Knowledge Manager at the Legal Ombudsman in Birmingham.