



## **Memorandum of Understanding between the Association of Chartered Certified Accountants (“ACCA”) and the Legal Ombudsman**

### **Introduction**

1. This Memorandum of Understanding (“MoU”) sets out a framework for ACCA and the Legal Ombudsman to work together in order to carry out their independent roles and separate functions in accordance with the Legal Services Act 2007 (“the Act”).
2. The purpose of this MoU is to put in place clear arrangements and practices that will foster an effective and cooperative working relationship between the Legal Ombudsman and ACCA.
3. In agreeing this MoU, ACCA and the Legal Ombudsman agree that in working together, each will have regard to the need to ensure that there are effective systems of redress for consumers of legal services which are provided by individuals and entities regulated by ACCA under the Act.
4. The Legal Ombudsman and ACCA are committed to cooperating and sharing knowledge and expertise to benefit consumers and providers of legal services.
5. This MoU is not intended to be legally binding and no enforceable contract is being entered into by the parties.

### **Roles of ACCA and Legal Ombudsman**

6. ACCA is an Approved Regulator under the Act for probate activities. Under the Act, ACCA is required to act in a way which is compatible with the regulatory objectives and have regard to the principles of better regulation.
7. So far as is relevant for the purposes of this MoU, ACCA is incorporated under the Companies Act 1929 and was granted a Royal Charter on 25 November 1974 to regulate Chartered Certified Accountants. ACCA also has specific responsibilities as a statutory regulator in the areas of audit, investment business and insolvency, and is recognised as a supervisory body by HM Treasury for the purposes of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

8. The Legal Ombudsman scheme is administered by the Office for Legal Complaints under the Act. The Legal Ombudsman is an independent and impartial service that users of legal services can access to resolve complaints about the service provided by an authorised person.
9. The statutory objective of the Legal Ombudsman is to resolve complaints quickly and with minimum formality on the basis of what is “fair and reasonable in all the circumstances”. The scheme has a statutory jurisdiction and a voluntary jurisdiction.

### **Cooperation and information sharing**

10. ACCA and the Legal Ombudsman agree that they will:

- a) seek to ensure that consumers, authorised persons, ACCA authorised firms and others using ACCA regulated legal services understand the different roles of each organisation;
- b) seek to achieve a consistent approach to the resolution of legal services complaints as far as possible;
- c) meet and communicate regularly to discuss matters of mutual interest;
- d) seek to share expertise; and
- e) consult one another at an early stage on any issues which might have significant implications for the other organisation in relation to the resolution of legal services complaints.

11. In relation to legal services, ACCA and the Legal Ombudsman agree to periodically review operational procedures on:

- a) routine information sharing including data on regulated firms and general reporting requirements to support the investigation of complaints by the Legal Ombudsman and ACCA regulatory functions;
- b) dealing with cases or trends that raise broader regulatory, policy or other issues; and
- c) any other relevant operational arrangements.

12. Subject to relevant restrictions on the disclosure of confidential information:

- a) the Legal Ombudsman will give ACCA information which suggests that regulatory action may be required in relation to entities it regulates;

- b) other than in exceptional cases, where information falling within (a) above is about a Chartered Certified Accountant who is working for an organisation authorised by another approved regulator, the Legal Ombudsman will give such information to the relevant approved regulator rather than to ACCA;
- c) ACCA will give the Legal Ombudsman information which may assist the Legal Ombudsman to carry out its statutory functions, including, where the Legal Ombudsman so requires, information about a conduct matter referred to ACCA by the Legal Ombudsman.

13. The MoU will be complemented and supported by written operational procedures agreed between the Legal Ombudsman and ACCA. At a minimum these procedures will cover:

- the information to be disclosed and the circumstances in which such disclosure must be made as required by section 144(1) and (2) of the Act;
- details on the procedures for co-operation and information sharing;
- arrangements for dealing with hybrid complaints (a complaint which has both a service and conduct element); and
- reporting professional misconduct in accordance with section 143 of the Act.

14. The Legal Ombudsman and ACCA will continue to monitor the operation of this MoU and review it as necessary.



**Rob Powell**  
Chief Executive, Legal Ombudsman

Date: 12/03/18



**Peter Large**  
Executive Director – Governance, ACCA

Date: 14.03.18.