

Legal Ombudsman

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Robert Neil Esq, MP
Chair
Justice Committee
House of Commons
London
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21 October 2015

Dear Mr Neil,

Departure of Adam Sampson from the Legal Ombudsman

I wanted to write to dispel the unhelpful confusion over the basis upon which Mr Sampson, the former Accounting Officer, left the Legal Ombudsman.

Richard Heaton appeared before you on 13 October 2015, when he made a statement in good faith about this matter based on information provided to Ministry of Justice by the Office for Legal Complaints (OLC). There was confused media coverage due to the OLC being unable to provide an immediate, clear affirmation of the position.

For the avoidance of doubt, I can confirm that Mr Sampson was dismissed with notice, having appealed against his summary dismissal. As he had already resigned, Mr Sampson remained employed until the notice he had already given expired on 17 May 2015.

I hope that you will understand that it would not be appropriate for me to share with you matters which should properly be kept confidential. However I am able to share the following timeline. Ursula Brennan, the previous Permanent Secretary of the MoJ, suspended Mr Sampson as Accounting Officer of the OLC on 13 November 2014. Mr Sampson announced his resignation as Chief Ombudsman on 17 November. Under the terms of his contract he was required to give six months' notice. In the meantime, Mr Sampson was suspended by the OLC while the issues set out in full in our 2013/14 Annual Report and Accounts were investigated. The previous Permanent Secretary of the MoJ removed Mr Sampson's Accounting Officer status on 8 January 2015.

Following a disciplinary hearing on 23 February 2015, Mr Sampson was dismissed by the OLC on 2 March 2015 without notice or a payment in lieu. He appealed against that decision, and a separate Appeal Panel, which met on 24 March 2015, concluded that summary dismissal was unduly harsh.

The logo for the Legal Ombudsman, featuring the word "LEGAL" in a stylized, pink, cursive font above the word "OMBUDSMAN" in a bold, black, sans-serif font.

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The statement made by Mr Heaton to your committee was, as we understand it, that Mr Sampson had been “dismissed with notice.” When this was reported, Mr Sampson denied it vehemently and we were asked to explain his very strong assertion that he had received no letter notifying him that he had been dismissed from his employment. OLC staff examined the letter which had been sent by the Appeal Panel and recognised that it could be construed to mean either that the panel’s decision was to simply restore Mr Sampson’s entitlement to notice, or to allow the resignation to stand.

Our problem was that the Appeal Panel members were no longer members of the OLC Board, no staff had direct involvement in the final decision, and while my understanding of the decision, conveyed to me by the panel chair, had been very clearly that Mr Sampson was dismissed with notice, I was not a member of the panel and I wanted to be absolutely certain that I had not misunderstood the position. It was therefore necessary for us to clarify, firstly what the intention of the panel had been, and secondly what the legal position was. This took several days. In the meantime the OLC was under pressure to answer queries and therefore issued a statement that confined itself to what we were certain of.

Clearly this was not helpful and gave the impression of a divergence of views between the MoJ and the OLC. The reality was that the MoJ statements were entirely in accord with what they had been told and with what we have now confirmed to be the intention of the appeal panel. It is unfortunate that the combination of an ambiguous letter, a (rightly) confidential process, and changes to the composition of our Board, combined to compromise the OLC’s ability to give a clear answer when we needed to and, whilst I am sure you recognise the importance of ensuring our understanding of events was correct, I would like to apologise to the Committee for this delay in clarifying the situation.

Yours sincerely,



Steve Green
Chair
Office for Legal Complaints