



Our company



Business items



Introduction

Paul McFadden, Chief Ombudsman

This review highlights complaints we investigated between April 2021 and March 2022.

The complaints we saw over this time were very much influenced by the ongoing Covid-19 pandemic, with restrictions in place up until 19 July 2021. Because of the time that can elapse between an issue first arising and a complaint reaching the Legal Ombudsman, we also saw complaints about issues that arose earlier in the pandemic, including the lockdowns in 2020.

The pandemic undoubtedly affected the UK's legal sector. Not only were many court hearings and trials adjourned, the conveyancing market felt the significant impact of people being unable to move house. This is shown in the types of complaints we saw during this time – for example, many people contacted us about delays they'd experienced, service providers' failure to progress their legal matters, and a lack of communication.

This impact on service standards reflected profound difficulties on service providers' part in running their business. Many firms furloughed staff, and in some cases couldn't access their premises. While these things might have been unavoidable, poor service levels – and poor complaint handling – were not inevitable. That's why, in April 2020, we published [Covid-19 focused guidance](#) for service providers.

While the intense pandemic period may be behind us, there are lessons legal providers can take for the future. Not least of these is the need to keep communicating with customers and manage expectations well – even where what's happened is outside their control. While we hope never to see the like of Covid-19 again, future disruptive events are inevitable – and firms' operations, including their processes and standards for service delivery and complaint handling, need to be resilient to unlikely, but high-impact circumstances.

While the Legal Ombudsman was able to keep running over the course of the pandemic, there have certainly been learnings for us to take away too. We look forward to working with providers to help ensure those lessons are applied to improving people's experience of legal services in future – from the point they identify they have a legal need, to what happens when they need a problem resolved.

Data highlights 2021/22

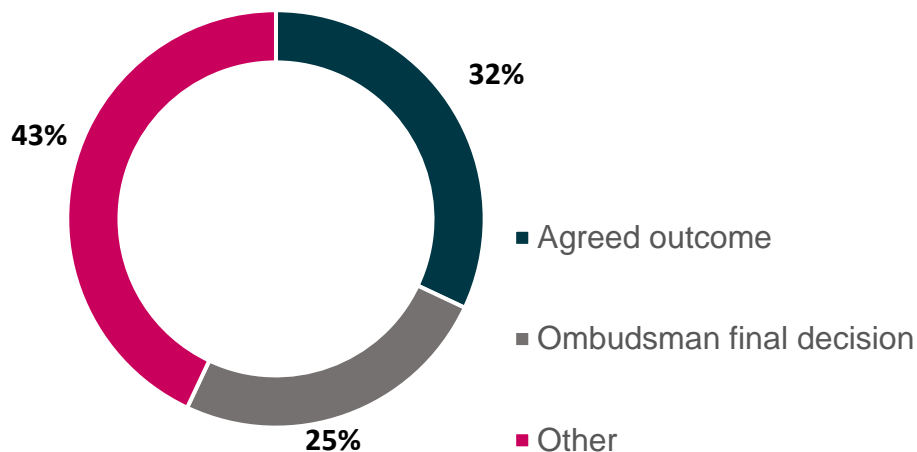
5,230 cases accepted for investigation.

- 1,803 about Residential Conveyancing
- 750 about Personal Injury
- 632 about Wills and Probate
- 623 about Family Law
- 354 about to Litigation
- 1,068 about other areas of law, including but not limited to Accident Management, Criminal Law, Employment Law, Immigration, Social Welfare.

6,521 Resolved complaints.

- 2,252 about Residential Conveyancing
- 880 about Personal Injury
- 816 about Wills and Probate
- 657 about Family Law
- 469 about to Litigation
- 1,447 about other areas of law, including but not limited to Accident Management, Criminal Law, Employment Law, Immigration, Social Welfare.

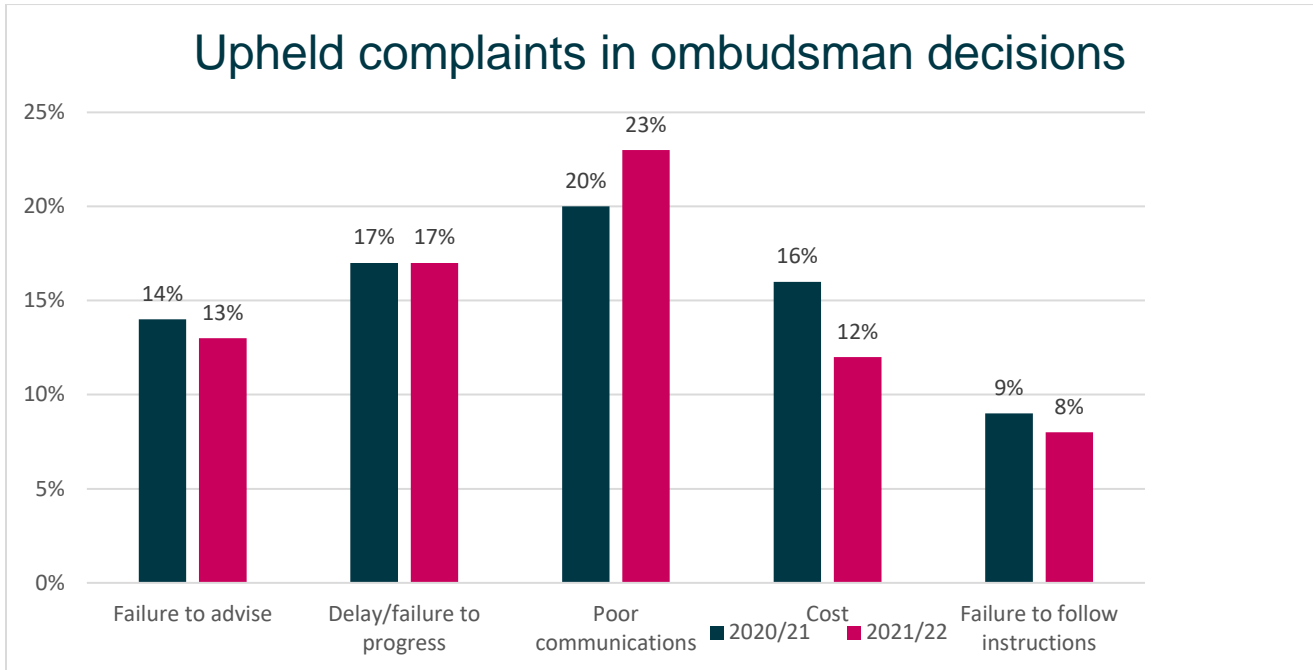
How did we resolve cases?



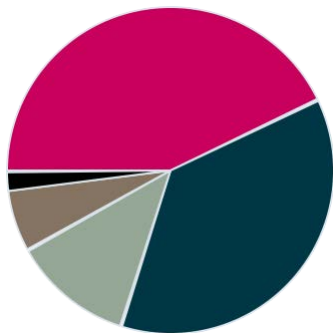
**Other refers to various other reasons why a complaint may be resolved, including but not limited to complainant unable to proceed, complaint resolved without investigation, withdrawn, general guidance given, contacted in error, dismissed, out of jurisdiction or premature.*

Ombudsman decision data

56% of ombudsman final decisions showed evidence of poor service.
55% in 2020/21.



How did we put things right?



No remedy	41%
Compensation	38%
Fee related remedy	12%
Putting right and taking action	7%
Non financial remedy	1%



Residential conveyancing

- 35%** of all complaints accepted were about Residential Conveyancing.
- 35%** of cases were resolved by agreed outcome.
- 18%** needed an ombudsman's final decision.
- 47%** were resolved another way or not taken on by the Legal Ombudsman, including cases where the Legal Ombudsman provided general advice or decided it couldn't or shouldn't investigate the complaint, and those that were withdrawn by the consumer or needed to be looked into by the service provider first.
- 60%** showed evidence of poor service following an ombudsman decision.
- 35%** showed that the first-tier complaints process was inadequate.

Top 5 upheld complaint issues	2020/21	2021/22
Poor communications	20%	22%
Delay, failure to progress	17%	18%
Failure to advise	20%	16%
Failure to follow instructions	11%	10%
Cost	8%	5%

Summary

Complaints about conveyancing have been increasing year on year, and 2020/21 saw a 5% increase on the previous year. It continues to be the area of law that generates most complaints to the Legal Ombudsman – which isn't surprising, given how many people move house each year and during their lives.

For the first quarter of the year, pandemic restrictions were in place restricting people's ability to move house. However, the UK Government then took steps to reinvigorate the market by introducing a Stamp Duty Land Tax (SDLT) "holiday". This resulted in a surge of complaints to the Legal Ombudsman – not only were more transactions happening, but conveyancers were overwhelmed with demand, leading to delays and customer dissatisfaction. In the section below, we've highlighted the issues involved in these complaints in particular.

Our top tips to prevent complaints about Residential Conveyancing:

- Provide regular updates and tailor your approach – for example, updates near to exchange and completion may need to be more frequent.
- Respond to queries promptly.
- Manage customers' expectations around both timescales and likely costs.

Case study: conveyancer causes delays and fails to update customer

Mr K instructed the firm to handle both the sale of his property and the purchase of another. The firm completed both transactions within one month of each other, but Mr K remained unhappy with some aspects of service and complained that:

1. The firm failed to keep Mr K updated on the progress of his matter; and
2. the firm delayed in completing both transactions.

The evidence showed that the firm went several weeks without updating Mr K. On some occasions when Mr K contacted the firm to request information, they failed to reply within a timely manner causing him to chase for a response. Further, when they did respond, the updates were not always of a reasonable standard.

Although in some instances the firm were waiting for responses from the other side, the evidence showed that they did not chase for this information and failed to update Mr K regarding this. The firm also failed to complete the transactions within the time frames they had advised.

Mr K was caused inconvenience by having to chase the firm and other parties involved in the transaction. Due to this it was proposed that a payment of £300 should be made to Mr K to acknowledge the distress that he had been caused.



Personal injury

- 14%** of all complaints accepted were about Personal Injury.
- 33%** of cases were resolved by agreed outcome.
- 21%** needed an ombudsman's final decision.
- 46%** were resolved another way or not taken on by the Legal Ombudsman, including cases where the Legal Ombudsman provided general advice or decided it couldn't or shouldn't investigate the complaint, and those that were withdrawn by the consumer or needed to be looked into by the service provider first.
- 55%** showed evidence of poor service following an ombudsman decision.
- 23%** showed that the first-tier complaints process was inadequate.

Top 5 upheld complaint issues	2020/21	2021/22
Poor communications	27%	29%
Delay, failure to progress	24%	24%
Failure to advise	12%	9%
Failure to follow instructions	6%	9%
Cost	12%	6%

Summary

We found that, during the reporting period, service providers in this area of law were making more first tier offers to resolve the complaint which, when we received the complaint, we determined to be reasonable in the circumstances and which remained open for acceptance.

Therefore, we made the decision to dismiss the complaint and signpost the complainant back to the service provider to accept the offer open to them, explaining that we would not improve that offer for them even were we to uphold their complaint.

Personal injury can be a complex area of law to navigate for both customers and service providers. It can be a balancing act for providers to provide enough information to meet their regulatory requirements and not overwhelming the customer with complex information. Issues with communication and delay are more likely to be upheld complaints.

Our top tips to prevent complaints about Personal Injury:

- Clearly explain the options available, the implications of these and follow up in writing.
- Keep the customer fully informed at the earliest opportunity of anything that alters/impacts the claim.
- Respond to queries in a timely manner.

Case study: service provider fails to respond to complaint

Mrs V instructed the firm to represent her after she sustained injuries in a road traffic accident, and they agreed to act for her under a Conditional Fee Agreement, more commonly known as a 'no win no fee' agreement. Mrs V complained that:

1. She did not agree with her medical report but despite telling the firm this they have failed to take steps to rectify this including contacting her GP as they said they would, and
2. The firm failed to respond to calls and emails on some occasions, and
3. The firm transferred her case to different case handlers on numerous occasions, and
4. The firm only responded to Mrs V's formal complaint once the Legal Ombudsman became involved.

When we investigated the matter, although we fully appreciated that Mrs V did not agree with or accept the findings of the medical expert, we found that the firm acted reasonably.

When Mrs V told them of her concerns, they offered to instruct another medical expert to produce a report albeit at a cost to Mrs V and offered to forward any comment from the GP to the medical expert who produced the report. Ultimately though, we decided that as the firm are not medical experts - they have to rely on expert opinion, and they are not able to force the expert to change their advice.

In respect of the communication, the evidence showed that there were issues with the progression of the case, and we upheld that aspect of the complaint, and we also found that the firm failed to respond to Mrs V's complaint in a timely manner.

We decided that the failure to respond to the formal complaint and the poor communication caused upset and frustration to Mrs V and we directed that the firm paid her the sum of £250 as compensation for this.



Wills and Probate

- 12%** of all complaints accepted were about Wills and Probate.
- 34%** of cases were resolved by agreed outcome.
- 24%** needed an ombudsman's final decision.
- 43%** were resolved another way or not taken on by The Legal Ombudsman, including cases where the Legal Ombudsman provided general advice or decided it couldn't or shouldn't investigate the complaint, and those that were withdrawn by the consumer or needed to be looked into by the service provider first.
- 70%** showed evidence of poor service following an ombudsman decision.
- 34%** showed that the first-tier complaints process was inadequate.

Top 5 upheld complaint issues	2020/21	2021/22
Poor communications	19%	25%
Cost	23%	18%
Delay, failure to progress	22%	18%
Failure to advise	8%	8%
Failure to follow instructions	5%	8%

Summary

Probate complaints are different to other categories of complaint we receive because complaints can be raised by beneficiaries of the estate who are not clients of the service provider. Lots of external factors can cause these complaints to be complex. Complaints about communication and costs are more likely to be upheld. The number of cases that show evidence of poor service is higher than other areas of law, in our experience, we see a lot of cases where firms' communication is poor to executors and beneficiaries and costs information is often poor. We often also see poor service in respect of delays, and sometimes the reason for this is that, unlike other areas of law, progress is not driven by court deadlines, and this can lead to matters 'drifting'.

Our top tips to prevent complaints about Wills and Probate:

- Keep customers informed of any changes to timeframes.
- Let the customers, including residuary beneficiaries know if there won't be any communication for a period while things progress.
- If costs unexpectedly increase, inform customers at the earliest point.
- Communication is key, especially under upsetting circumstances.

Case Study: a failure to provide cost information to sole beneficiary

Mr B was sole beneficiary of his father's estate, and the partners at the firm were the appointed executors. The firm completed the administration, however Mr B remained unhappy and complained that the firm overcharged for their work and their fees were not agreed by either Mr B or his father.

There was evidence to show that Mr B's father had approved the firm charging for their work prior to his death, although at that point he would be unaware of what the fees would be.

However, although the ombudsman highlighted that as beneficiary Mr B is not required to approve the firm's fees, it was decided that the firm's service was unreasonable as he was not given basic cost information at the start of the administration of the estate. As the sole beneficiary, he was entitled to receive such information as these fees impacted upon the amount he would receive.

The ombudsman recognised that Mr B was significantly shocked and upset to see the level of fees charged at the end of the retainer, which could have been avoided had he been provided with a cost estimate. The ombudsman was however satisfied that the costs had been reasonably incurred. It was proposed that payment of £300 was made to Mr B to compensate him for this.



Family Law

- 12%** of all complaints accepted were about Family Law.
- 39%** of cases were resolved by agreed outcome.
- 29%** needed an ombudsman's final decision.
- 32%** were resolved another way or not taken on by the Legal Ombudsman, including cases where the Legal Ombudsman provided general advice or decided it couldn't or shouldn't investigate the complaint, and those that were withdrawn by the consumer or needed to be looked into by the service provider first.
- 48%** showed evidence of poor service following an ombudsman decision.
- 23%** showed that the first-tier complaints process was inadequate.

Top 5 upheld complaint issues	2020/21	2021/22
Cost	21%	26%
Poor communications	16%	18%
Failure to advise	13%	14%
Delay, failure to progress	15%	10%
Failure to follow instructions	10%	6%

Summary

With Family Law complaints about communication and costs are more likely to be upheld. Most service providers give reasonable costs information at the outset, the issues we find are when something unexpected happens. Costs can increase for very valid reasons, but we find at times this isn't communicated well or in a timely manner.

Our top tips to prevent complaints about Family Law:

- Provide a clear cost, benefit analysis.
- Manage expectations around what is included in the costs and what isn't.
- Update customers when costs increase in a timely manner.
- Record advice given, follow up in writing.
- Communicate anything that impacts the customer, it can be a very distressing time.

Case Study: service provider waives fees after service failings

Miss M instructed the firm to represent her in child contact matters. Her ex-husband wanted to formalise contact with their son. The matter was referred to court and a hearing took place, with the terms of a Consent Order agreed on the day which Miss M's ex-husband's solicitor then drafted and provided to the firm. Miss M, having received a copy of the order, was very unhappy as she did not consider that the order reflected what was agreed in court.

Miss M was dissatisfied with the conduct of the firm after the order was received and raised four issues of complaint about this. She complained that the firm:

1. Failed to ensure that the Court Order from 25 January 2016 correctly recorded what was agreed by the parties, and
2. Failed to provide Miss M with a copy of the amended order, and
3. Failed to respond to telephone calls and emails that Miss M provided to them, and
4. Failed to respond to her complaint in line with their complaints procedure.

When we looked at the evidence, we decided that the firm provided poor service in relation to three of the four issues that Miss M complained about – that they failed to provide her with a copy of the amended order, that they failed to respond to correspondence, and that they failed to deal with her complaint. We did however conclude that the firm provided a reasonable service in respect of the terms of the order itself. The firm accepted our findings and made the offer to waive their outstanding fees and pay Miss M compensation.

We did not consider that the firm's poor service affected the outcome of the court hearing, but we did recognise that the firm's failings would have caused considerable upset and frustration at what was a difficult time for her. We therefore endorsed the firm's offer to waive their fees and asked them to pay Miss M compensation to the value of £500, plus to provide her with a copy of the amended order.



Litigation

- 7%** of all complaints accepted were about Litigation.
- 22%** of cases were resolved by agreed outcome.
- 40%** needed an ombudsman's final decision.
- 39%** were resolved another way or not taken on by the Legal Ombudsman, including cases where the Legal Ombudsman provided general advice or decided it couldn't or shouldn't investigate the complaint, and those that were withdrawn by the consumer or needed to be looked into by the service provider first.
- 59%** showed evidence of poor service following an ombudsman decision.
- 24%** showed that the first-tier complaints process was inadequate.

Top 5 upheld complaint issues	2020/21	2021/22
Cost	20%	19%
Poor communications	23%	21%
Failure to advise	10%	13%
Delay, failure to progress	17%	13%
Failure to follow instructions	10%	8%

Summary

Communication and cost complaints are more likely to be upheld in Litigation complaints. Costs can quickly build up in litigation matters. Therefore, it is important that service providers give staged estimates so that customers can make informed decisions throughout the process. As well as the estimates, it is essential to keep customers informed through regular billing. This avoids the final bill coming as a surprise.

Our top tips to prevent complaints about Litigation:

- Provide a cost benefit analysis.
- Update costs following the initial estimate as the claim progresses.
- Communicate any changes.