

Research into the experiences and effectiveness of solicitors' first tier complaints handling processes

Research commissioned by the Solicitors Regulation Authority and Legal Ombudsman



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London Economics and YouGov gratefully acknowledge the contribution of stakeholders who contributed to this study. Our approach to stakeholder engagement is described in A1.5

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Executive Summary

Summary of the study

The Solicitors Regulation Authority (SRA) and Legal Ombudsman jointly commissioned London Economics and YouGov to conduct research into the effectiveness of first tier complaints handling by solicitors.

Although 80% of people who use legal services (referred to as ‘consumers’ in the report) are satisfied with the service they received (Legal Services Consumer Panel (2017)¹), the existing research points to a number of areas where complaints handling and consumer redress in the legal services market could function more effectively for those consumers that are dissatisfied. Dissatisfied consumers must initially explain their dissatisfaction to the solicitor firm, which is known as a first tier complaint. Firms can use that opportunity to provide redress and improve their service where necessary. Therefore, the aim of this study is to understand the role and effectiveness of the first tier complaints process in ensuring proper standards of service for consumers.

The study seeks to improve the SRA’s and Legal Ombudsman’s understanding of:

- Consumers’ perceptions of good quality legal services provision;
- Consumers’ experiences of complaints processes;
- Perceived and actual barriers to complaining and how they influence the decision to make a complaint;
- How barriers and other factors lead to premature complaints being brought to the Legal Ombudsman and the impact this has on the complaints process; and
- The appropriateness and effectiveness of remedies offered by firms at first tier.

From the perspective of solicitor firms, the study seeks to:

- Understand any barriers firms face in complying with SRA and Legal Ombudsman guidance on dealing with first tier complaints;
- Identify and highlight examples of good practice;
- Identify poor practice and issues of potential regulatory concern; and
- Assist the SRA and Legal Ombudsman to work with firms to improve standards and uphold core professional principles in regard to complaints processes.

The study uses a combination of quantitative and qualitative tools to address the study aim and objectives. The following tasks were carried out:

- Survey of 539 solicitor firms;
- Survey of 2,016 dissatisfied consumers;
- Focus group conducted with Legal Ombudsman staff, used to design the surveys of firms and consumers;
- In-depth interviews with 4 stakeholders (consumer representative bodies and one complaints handling organisation);

¹ Legal Services Consumer Panel (2017), Tracker Survey

- In-depth interviews with 15 firms; and
- In-depth interviews with 8 dissatisfied consumers.

Key findings, conclusions and recommendations

Overall, the research found that good complaint handling has a role in improving service standards and that many firms could better manage consumer expectations by providing clear and timely information. The research has identified a number of key findings, conclusions and recommendations, grouped by stages in the complaint process:

Providing a good service

Key findings

- There is some disparity between what consumers expect from their solicitors' legal service, and solicitors' perceptions of consumers' expectations. Consumers want regular communication about progress (62%), clear information about costs (60%), and information about the legal process (48%). But firms sometimes have a different perspective. For example, only 23% of firms think that consumers' top 5 key expectations would include a clear explanation of the legal process; and firms think one of consumers' key expectations is a positive outcome for the legal work but only 33% of consumers said it was among their top 5 key expectations.
- The majority of complaints to law firms are about delays or failures in communication. For example, 55% of surveyed consumers are dissatisfied that their solicitor failed to update them, 47% are dissatisfied about delays and 37% are dissatisfied that their solicitor failed to keep them informed.
- 98% of firms provide information about their complaints procedure at the start of the process, usually in the client care letter. This compares to 37% of consumers saying they were not told about the complaints procedure. Both firms and consumers feel that client care letters need improvements – specifically, they are often too dense or lengthy for consumers to understand or make use of.
- 92% of firms provide information about the Legal Ombudsman at the start of the process. But only 34% do so at the end of the complaint process, despite this being a regulatory requirement. Only 4% of consumers recall receiving this information at the end of the complaint process.
- Directive 2013/11/EU of the European Parliament² requires solicitor firms to signpost consumers to Alternative Dispute Resolution (ADR) agencies to resolve complaints, although firms are not obliged to use them. 51% of surveyed firms reported that they did not inform consumers about this option, and 72% of surveyed consumers reported that they did not receive this information.

Conclusions

The findings about consumers' expectations and the common types of complaint show that communication is very important to consumers. Consumers want clear information about the legal

² DIRECTIVE 2013/11/EU, on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR). The Law Society provides guidance to firms on how to comply with the Directive <http://www.lawsociety.org.uk/support-services/advice/articles/changes-to-client-care-information-and-leo-time-limit/>

work and costs at the start and end of the work and at appropriate intervals throughout the work. Some law firms misunderstand people's priorities. Getting the legal work right is important, but consumers are only able to understand the work through the information provided by their solicitor. Therefore if the communication is clear and timely then they are less likely to be dissatisfied.

Firms should tell their clients about their complaints procedure at the start of the work. Many people did not recall being told about the complaints procedure so it would be helpful to explain this again if they express dissatisfaction during the work. Firms should also signpost to the Legal Ombudsman at the end of the complaints procedure but many are not doing so.

Recommendations for firms

Manage consumer expectations by providing clear information about the legal work, costs and timescales at the start of the work, during the work and at the end of the work, and any factors that could affect these. This includes explaining why work may not be going as planned.

Provide accurate and timely information about complaints procedures, the Legal Ombudsman and ADR services, that meets their regulatory and legal requirements and helps clients who want to seek redress.

Recommendations for the SRA and/or the Legal Ombudsman

Raise awareness of firms' obligation to tell consumers about their right to complain to the Legal Ombudsman at the start of the work, and at the end of the complaints process.

Raise awareness with firms of the importance that consumers place on receiving clear and timely information that is tailored to their needs.

Making a complaint

Key findings

- Both firms and consumers report that first tier complaints are mostly about work in conveyancing, wills and probate, and family law.
- The main barrier to making complaints are that consumers feel their solicitor will not handle their complaint fairly (37%) or in some cases even take notice (32%).
- Consumers whose day-to-day activities are limited by disabilities are more likely to say they do not understand the complaints procedure (21%) or know how to complain (25%), compared to 4% and 17% of consumers whose day-to-day activities are not limited by disabilities.^{3,4}
- 44% of the dissatisfied consumers that approached the Legal Ombudsman before making a complaint to their solicitor report doing so because they wanted someone independent to look at their solicitor or firm's initial response to their complaint.
- 47% of surveyed consumers complained to the solicitor verbally and 83% made a complaint in writing.

Conclusions

The research confirms that there are a number of barriers to making a complaint, particularly for vulnerable consumers. The most common barriers relate to consumers having the confidence and information to make a complaint and concerns about whether the solicitor will handle the complaint

³ This percentage was calculated taking the average of the percentage of dissatisfied premature complainants who did not complain first to their solicitor and whose day-to-day activities are not limited by disability, and the percentage of dissatisfied complainants from the YouGov panel who did not complain to their solicitor and whose day-to-day activities are not limited by disability.

⁴ The Law Society provides guidance to firms on meeting the needs of vulnerable consumers <https://www.lawsociety.org.uk/support-services/advice/practice-notes/meeting-the-needs-of-vulnerable-clients-july-2015/>

fairly. Clearer information about the complaints process will help consumers to better understand what to do if they are dissatisfied, and will help to reduce the barriers to making a complaint. Improved consumer understanding of how to make a complaint can provide firms with more opportunities to resolve expressions of dissatisfaction at the first tier and retain clients.

Recommendations for firms:

Provide clear and timely information to consumers about the complaints procedure that is tailored to their needs.

Offer consumers the option of their complaint being handled by someone else in the firm, other than the fee-earner, where possible.

Recommendations for the SRA and/or the Legal Ombudsman

Continue to educate and inform consumers about the role of the SRA and the Legal Ombudsman, including the role the Legal Ombudsman can play in independently resolving complaints at the second tier.

Identifying and recording complaints

Key findings

- Over three quarters (76%) of surveyed firms reported that their complaints procedure allowed their clients to complain verbally. However, 39% of firms that said they allow clients to complain verbally, and had received verbal complaints, said they did not record them as a complaint.
- 48% of surveyed firms report receiving verbal expressions of dissatisfaction either to the fee earner or to a member of client facing staff, but did not record them as complaints.
- 62% of surveyed ABS firms provide training on identifying and managing complaints, compared to 50% of non-ABS firms.
- 60% of firms with 6 fee earners or more provide staff training on identifying and managing complaints, compared to an average of 51%. And 31% of firms with 6 or more fee earners

send email reminders about identifying and managing complaints, compared to 16% of firms with 2-5 fee earners.

- Firms vary in how they record complaints by type or category. Some report that they treat all complaints in the same way, while others report that if a complaint seems less serious, or easy to deal with, it will not be recorded as a complaint.

Conclusion

Firms differ in recording expressions of dissatisfaction as a complaint. They also differ in the complaint types they record. Large firms are more likely to have guidance and provide training for their staff about identifying and managing complaints. This may be because they are likely to have more experience of receiving complaints and, as they have more staff, may need more formal procedures to share guidance.

Recommendations for firms

Consider including ways to identify and record complaints as part of training and internal guidance for staff.

Recommendations for the SRA and/or the Legal Ombudsman

Provide information to firms about how to best record complaint data, including defining the complaint types.

Raise awareness of information that helps consumers to raise complaints effectively.

Investigating and responding to complaints

Key findings

- 65% of surveyed firms have their own, internal guidance on investigating complaints.
- Almost all surveyed firms report providing a final response to complaints within 8 weeks, but 20% of surveyed consumers report that their solicitor's firm took more than 8 weeks to issue their final response.

- 36% of surveyed firms with one fee earner report responding to complaints within one week, compared to 16% of firms with more than 6 fee earners.
- Firms say that the main barriers to effectively handling complaints are clients' unrealistic expectations (89%) and it being hard to identify a complaint as opposed to a client 'grumbling' (53%).

Conclusion

There appears to be a mismatch between consumers and firms about how much time is taken to respond to a complaint. Consumers may believe that a complaint has been made when they verbally express dissatisfaction, but one of the key barriers for firms in handling complaints effectively is identifying when a consumer is complaining. This is likely to lead to a situation in which consumers start counting the response time from their initial, often verbal, expression but firms may only start counting the response time from a client's formal letter of complaint.

Investigations tend to involve talking to the fee-earner and checking the file. Small firms tend to respond to complaints quicker than larger firms, which may be because they handle fewer matters and key managers are closer to the work.

Recommendations for firms

When consumers start to express dissatisfaction, clearly communicate how this will be managed, the steps taken and the time frame for responding to the expression.

Resolving complaints

Key findings

- 53% of surveyed firms find it hard to identify when a client wants them to take action about their dissatisfaction. 83% of consumers want firms to take action, or resolve, their complaint when they express their dissatisfaction.
- Most commonly, consumers want an explanation (58%), an apology (39%) or work progressed (35%) to resolve their complaint. These are also the remedies that firms report as being successful in resolving complaints. However, only 22% of consumers who report wanting an explanation say they received one, and 23% of consumers who wanted an apology say they received one.
- Most firms tailor the remedy to the complaint, with 85% saying the nature of the complaint is a factor when deciding an appropriate remedy. 63% of surveyed firms report that they do not have guidelines for typical remedies in their complaints procedure.
- 36% of surveyed consumers report that their complaint had been resolved to their satisfaction. 23% of consumers complaining about family matters and litigation report that their complaint had been resolved, and 55% of surveyed will writing consumers. 23% of surveyed consumers whose day-to-day activities were limited by some level of disability reported that their complaint had been resolved, compared with 43% of consumers with no such limitation due to disability.

- Only 44% of consumers dissatisfied with the resolution take it further, or plan to take it further. People do not take it further largely because they do not think it would be worth it (57%) or because they think it would be stressful (34%).

Conclusion

Most dissatisfied consumers want their firm to take action when they express their dissatisfaction. They most frequently want an explanation or an apology, and these remedies also help to resolve complaints where consumers want financial remedies.

Firms often tailor the remedy to each complaint, which is appropriate as the circumstances of each complaint will vary. Remedy guidance can be useful to help steer the firm's response and provide some consistency for similar complaints. Using consumer feedback can help to better understand consumer expectations. Clear explanations to consumers on the steps taken when dissatisfaction is expressed can help to consumers to understand the process and they may be more likely to view it as fair.

Recommendations for firms

Be open with clients about the complaint process and ask what they are looking for to resolve their expression of dissatisfaction.

Recommendations for the SRA and/or the Legal Ombudsman

Provide information to firms on good practice about remedies that can be offered at the first tier.

Learning from complaints

Key findings

- 93% of firms say there are business benefits to complaints handling: most frequently, these are improving service delivery (76%), understanding consumer expectations (71%) and providing a chance to improve consumer retention (63%).
- Most firms (70%) measure levels of satisfaction by regularly talking to their client during the case, which rises to 77% for firms with one fee earner. Large firms are more likely to use feedback forms (66% of firms with 6 or more fee earners, compared to 26% of firms with one fee earner) and to check for online reviews (30% compared to 13%).
- 51% of firms that have had complaints investigated at second tier by the Legal Ombudsman tell consumers about their complaints procedure when the consumer

expresses dissatisfaction, compared to 36% of firms with no experience of the Legal Ombudsman.

- 49% of firms that have had complaints investigated through the Legal Ombudsman tell consumers about the Legal Ombudsman at the end of the complaints procedure, compared to 27% with no experience of the Legal Ombudsman.
- 91% of consumers report that complaints data would be at least somewhat helpful. 62% of surveyed consumers feel that having access to firms' complaints data would help them to compare the services of solicitor firms, and 54% felt it will help firms to show they deliver a good standard of service.
- 31% of surveyed firms and 36% of surveyed consumers think that publishing complaints data would be helpful only in context, for example, of the solicitor firm's size and the type of work that they do.
- 36% of surveyed firms also believe publishing complaints data will demonstrate that they deliver a good service.

Conclusion

Firms generally see that handling complaints has benefits for their firm and for consumers. Many surveyed and interviewed firms stressed that it was important to be empathetic towards consumers, be approachable, open and constructive in their tone, and to treat complaints as a learning exercise. Many firms learn about consumer expectations, retain clients and improve their service delivery based on both complaints and other feedback they collect. Different sized firms tend to have different ways of collecting feedback, and they may be able to learn from each other, improving complaints handling for all firms.

It is not clear from this research whether more timely information about complaints procedures and the Legal Ombudsman is caused by, or is simply related to, having experience of complaints progressing to the Legal Ombudsman. However, there are benefits to both firms and consumers of providing timely information about firms' complaints procedure, and the Legal Ombudsman to consumers: it enables firms to meet their requirements to provide consumers with this information, and it is helpful to consumers.

Recommendations for firms

Consider collecting feedback in different ways to understand consumer expectations: both throughout the case and by using feedback forms and online reviews at the end of the work.

Recommendations for the SRA and/or the Legal Ombudsman

Consider further research into the context (e.g. firm size and area of law) that consumers would find useful alongside any published complaints data.

Provide information to firms on good practice about how they can improve their complaint handling and service standards.

1 Introduction

The Solicitors Regulation Authority (SRA) and Legal Ombudsman jointly commissioned London Economics and YouGov to conduct research into the experiences of consumers when complaining to solicitors and the effectiveness of solicitors' complaints handling by solicitors. The SRA regulates solicitors and solicitor firms in England and Wales. The Legal Ombudsman is an independent organisation that investigates complaints about the service provided by all regulated lawyers in England and Wales.

People using legal services (referred to as 'consumers' in this report) are entitled to proper standards of legal service, set out in the Consumer Rights Act (2015)⁵. Consumers using regulated lawyers⁶ have the additional protection of using a provider who is regulated by their own Codes of Conduct.⁷

The majority (85%) of consumers using solicitors are satisfied or very satisfied with the service they received, and only 6% of consumers using a solicitor are dissatisfied with the service (Legal Services Consumer Panel (LSCP), 2017)⁸. When consumers are dissatisfied, they must first complain to their solicitor firm. This is known as a 'first tier complaint'. This report refers to consumers that have complained as 'complainants'.

If complainants are not happy with their solicitor's response, they can pursue their complaint about the solicitor's service with the Legal Ombudsman, make a negligence claim through the court, tell the SRA about a misconduct concern, or they may be able to use an Alternative Dispute Resolution (ADR) service. This is known as the 'second tier'. The Legal Ombudsman can only investigate complaints after the solicitor firm has been allowed eight weeks to respond at the first tier. If a complainant approaches the Legal Ombudsman before they have complained to the solicitor firm, or before they have allowed the firm eight weeks to respond, this is known as a 'premature complaint', made by a 'premature complainant'.

The overarching aim of this project is to understand the role and effectiveness of the first tier complaints process in ensuring proper standards of service for consumers.

1.1 Rationale for the research

Complaints provide a valuable indicator of solicitors' service quality, and are an important tool to raise service standards. The SRA and the Legal Ombudsman know that complaint handling varies between firms and want to understand whether first tier complaints processes are effective in raising service standards.

Previous research (described in Section 2.2) identified that consumers may face a number of barriers to making complaints. For example, consumers may not receive, or recall, information on firms' complaints procedures. The Legal Ombudsman also found that some firms were omitting or

⁵ Consumer Rights Act (2015), <http://www.legislation.gov.uk/ukpga/2015/15/contents/enacted>, accessed 13th February 2017.

⁶ The Legal Services Act (2007) defines regulated legal providers (solicitors, barristers and chartered legal executives) as 'authorised persons'. Also included in this definition are any people or businesses that are authorised by an approved regulator to carry out a reserved legal activity.

⁷ Solicitors Regulation Authority [Handbook](#), accessed 11th May 2017.

⁸ Legal Services Consumer Panel, [Tracker Survey data tables](#), accessed 5th October 2017

providing incorrect contact details and time limits for their organisation. This can lead to some consumers making a premature complaint to the Legal Ombudsman.

In addition, firms may face barriers to carrying out effective complaints handling procedures, for example, some firms have difficulties identifying what constitutes a complaint.

Therefore, this research will be used to improve the SRA and Legal Ombudsman's understanding of first tier complaints handling, from the perspective of firms and consumers. The findings from the research will lead to information and toolkits from the SRA and Legal Ombudsman, for both firms and consumers, to improve the handling and experience of first tier complaints. The findings will also feed into the SRA's 'Looking to the Future' reform programme, specifically informing the SRA's response to the Competition and Markets Authority (CMA) Legal Services Market Study (2016).⁹

1.2 Research objectives

The existing research points to a number of areas where complaints handling in the legal services market could function more effectively for consumers.

The study seeks to improve the SRA's and Legal Ombudsman's understanding of:

- Consumers' perceptions of good quality legal services provision;
- Consumers' experiences of consumer complaints processes;
- Perceived and actual barriers to complaining and how they influence the decision to make a complaint;
- How barriers and other factors lead to premature complaints being brought to the Legal Ombudsman and the impact this has on the complaints process; and
- The appropriateness and effectiveness of remedies offered by firms at first tier.

From the perspective of solicitor firms, the study seeks to:

- Understand the approaches firms have to dealing with complaints and the effectiveness of remedies they offer;
- Understand any barriers firms face in complying with SRA and Legal Ombudsman guidance on dealing with first tier complaints;
- Identify and highlight examples of good practice;
- Identify poor practice and issues of potential regulatory concern; and
- Assist the SRA and Legal Ombudsman to work with firms to improve standards and uphold core professional principles in regard to complaints processes.

1.3 Research methodology

The study uses a combination of quantitative and qualitative tools to address the study objectives. This section provides a brief summary of the study tasks. For more detail on the methodology, see Annex 1.

⁹ Competition and Markets Authority (2016), [Legal services market study: Final Report](#), accessed 11th May 2017.

The following tasks were carried out as part of the study:

- Survey of 539 solicitor firms (May 2017). The survey explored:
 - opinions about consumer expectations of good quality legal service;
 - information provided to consumers;
 - triggers for consumers to complain;
 - barriers that might prevent consumers from complaining;
 - complaints procedures; and
 - opinions about publishing data on first tier complaints.
- Survey of 794 dissatisfied consumers and 1,222 premature complainants (July – August 2017). The survey explored:
 - their expectations of good quality legal service;
 - information provided to them by firms and their understanding of it;
 - reasons for complaining to their solicitor;
 - reasons that they complain prematurely to the Legal Ombudsman and at the second tier;
 - remedies offered by firms and whether they resolve complaints; and
 - opinions about having access to data on first tier complaints.
- Focus group with Legal Ombudsman staff (May 2017), used to design the surveys of firms and consumers. The focus group explored:
 - triggers for consumers to complain about their solicitor at first tier, and to the Legal Ombudsman, both prematurely and at the second tier;
 - barriers that consumers might face when complaining;
 - barriers that solicitors might face when handling complaints; and
 - remedies offered by solicitor firms.
- Interviews with 4 stakeholders, including 3 consumer representative bodies and one complaint handling organisation (June – August 2017). The interviews explored:
 - consumer expectations of good quality legal service;
 - triggers for consumers to complain;
 - barriers preventing consumers from complaining, especially consumers in circumstances that make them vulnerable;
 - remedies offered by solicitor firms; and
 - the role of the SRA and Legal Ombudsman in raising service quality standards.
- In-depth interviews with 15 solicitor firms (July – August 2017). The interviews explored:
 - perceptions of consumer expectations of good quality services;
 - reasons for consumer dissatisfaction;
 - handling of, and responses to, complaints;
 - perceptions of complaints handling, and of publishing complaints data;
 - the role of the SRA and Legal Ombudsman in raising service levels.
- In-depth interviews with 8 dissatisfied legal service consumers (July – August 2017). The interviews explored:
 - consumers' expectations of good quality legal service;
 - reasons for consumer dissatisfaction;

- whether and how consumers complain, or what barriers consumers face to complaining;
- consumers’ experiences of solicitor firms’ responses to complaints;
- whether and how consumers’ complaints are resolved; and
- if complaints are not resolved, whether and how consumers choose to proceed, or barriers they face to proceeding.

Topic guides for the in-depth interviews were informed by the results of the firm and consumer surveys.

1.3.1 Who responded to the firm survey?

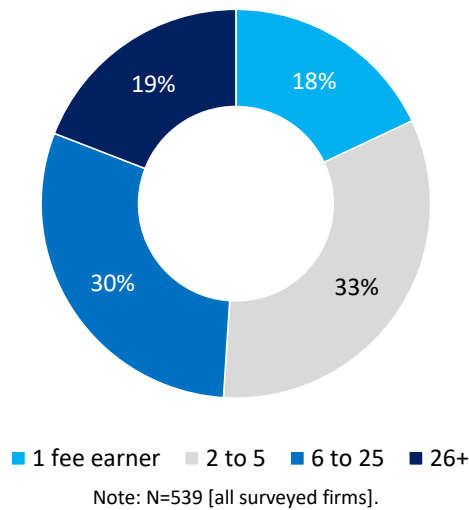
539 firms responded to the survey. Firms were recruited from a sample of solicitor firm contacts provided to YouGov by the SRA. Surveyed firms were largely representative of the firm population (Table 1), and analysis was conducted on a weighted sample.

Table 1 Percentage of firms by turnover band compared to the general population of solicitor firms

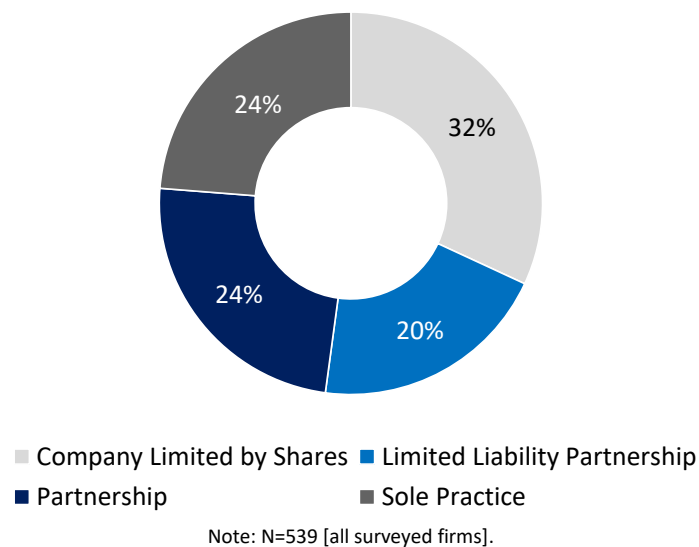
Turnover band	Percentage of firms responding to the survey	Percentage of firms in Legal Services Board Tracker Report (2015)
20 to 150K	24%	26%
150 to 400K	21%	25%
400K to 1M	19%	22%
1M to 3M	18%	16%
3M to 10M	12%	7%
10M to 30M	4%	2%
30M to 70M	2%	1%
70M+	1%	1%

Source: YouGov

Surveyed firms were balanced regarding firm size, with three fifths of participating firms (63%) having between 2 and 25 fee earners (Figure 1).

Figure 1 Number of fee earners in surveyed firms¹⁰

Surveyed firms were also relatively evenly split between constitution types, with a little under one quarter (24%) being sole practitioners (Figure 2).

Figure 2 Constitution type of surveyed firms

8% of surveyed firms had an alternative business structure (ABS), which is fairly representative of the overall solicitor population of 6% ABS firms.

1.3.2 Who responded to the consumer survey?

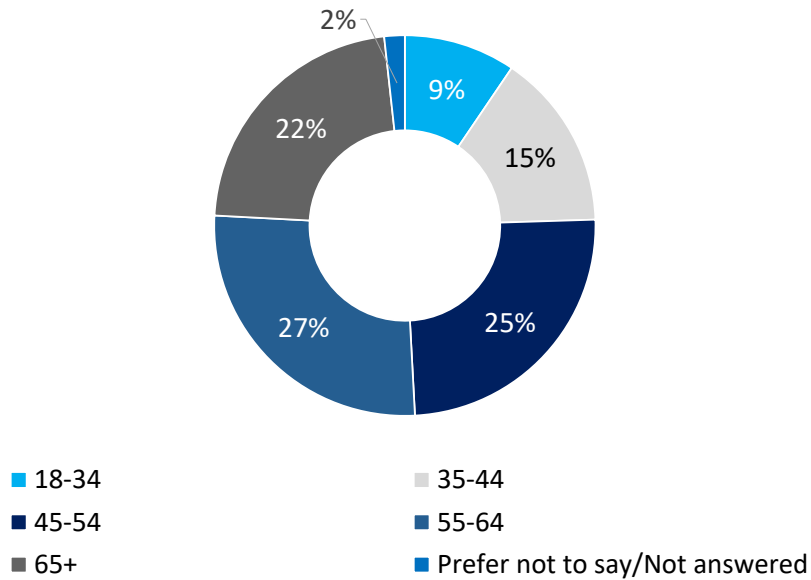
The consumer survey was carried out on two groups of respondents: 1,222 premature complainant respondents recruited from a set of contacts supplied by the Legal Ombudsman, and 794 dissatisfied consumers of legal services, recruited from the YouGov panel. The YouGov panel respondents were

¹⁰ All analysis is performed by London Economics unless otherwise stated.

identified as being dissatisfied by answering screening questions about whether they had used a solicitor in the last two years and were dissatisfied with the service received.

Respondents were evenly balanced across age groups, with 22% of respondents being over the age of 65.¹¹

Figure 3 Age of surveyed consumers

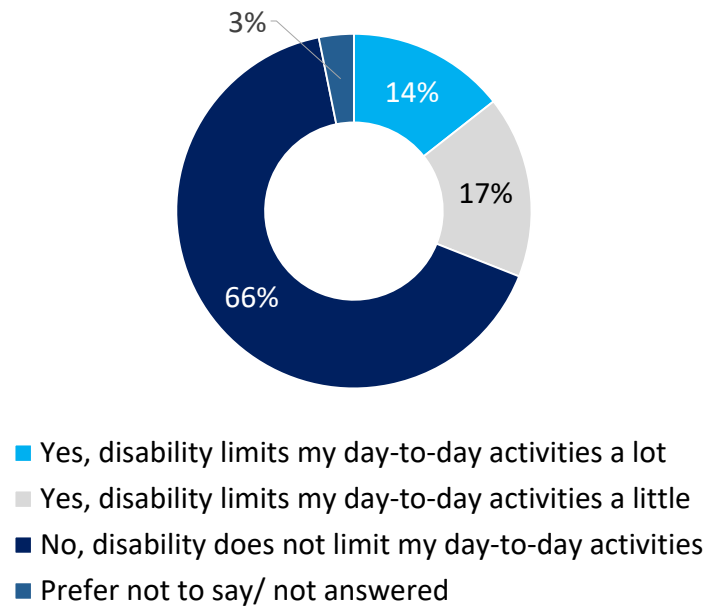


Note: N=2016 [1,222 premature complainants; 794 respondents from YouGov panel].

Almost a third (31%) of respondents reported that their day-to-day activities were at least a little limited by health or disability issues.¹²

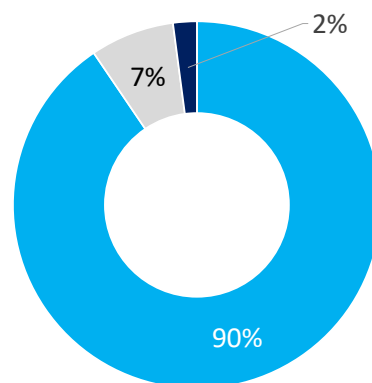
¹¹ The age of consumers has been identified as a risk factor for consumer vulnerability, particularly relating to the ability to access and assess information (e.g. Consumer Vulnerability in the EU, conducted by London Economics, Ipsos and VVA for the European Commission)

¹² Consumers' disability has been identified as a risk factor for consumer vulnerability, particularly relating to the ability to access and assess information (e.g. Consumer Vulnerability in the EU, conducted by London Economics, Ipsos and VVA for the European Commission)

Figure 4 Disability profile of surveyed consumers

Note: N=2016 [1,222 premature complainants; 794 respondents from YouGov panel].

7% of respondents reported that their first language was not English.¹³

Figure 5 Whether surveyed consumers' first language was English

Note: N=2016 [1,222 premature complainants; 794 respondents from YouGov panel].

¹³ Consumers' disability has been identified as a risk factor for consumer vulnerability, particularly relating to the ability to access and assess information or support (e.g. The Legal Services Panel Consumer Research)

1.4 Report structure

The remainder of this report is structured as follows:

- Section 2 outlines the different stages of the complaints process.
- Section 3 describes the key findings of the research relating to consumer expectations of the legal service provided by their solicitor. All survey findings are reported in aggregate and the firm survey findings are distinct from the consumer survey findings, as the consumers are not matched with the firms. Comparisons between the surveys' findings are made, where relevant.
- Section 4 describes how consumers make a complaint, and the barriers preventing some from doing so.
- Section 5 outlines how solicitor firms identify and record complaints.
- Section 6 describes how solicitor firms investigate and respond to a complaint.
- Section 7 describes whether and how complaints get resolved, and whether consumers proceed with their complaint to the second tier.
- Section 8 outlines whether and how solicitor firms use consumer feedback to change their complaints handling and customer service procedures, what solicitor firms and consumers think about publishing complaint data and how the SRA and the Legal Ombudsman can help to improve complaint handling processes and experiences.
- Section 9 concludes and makes recommendations.

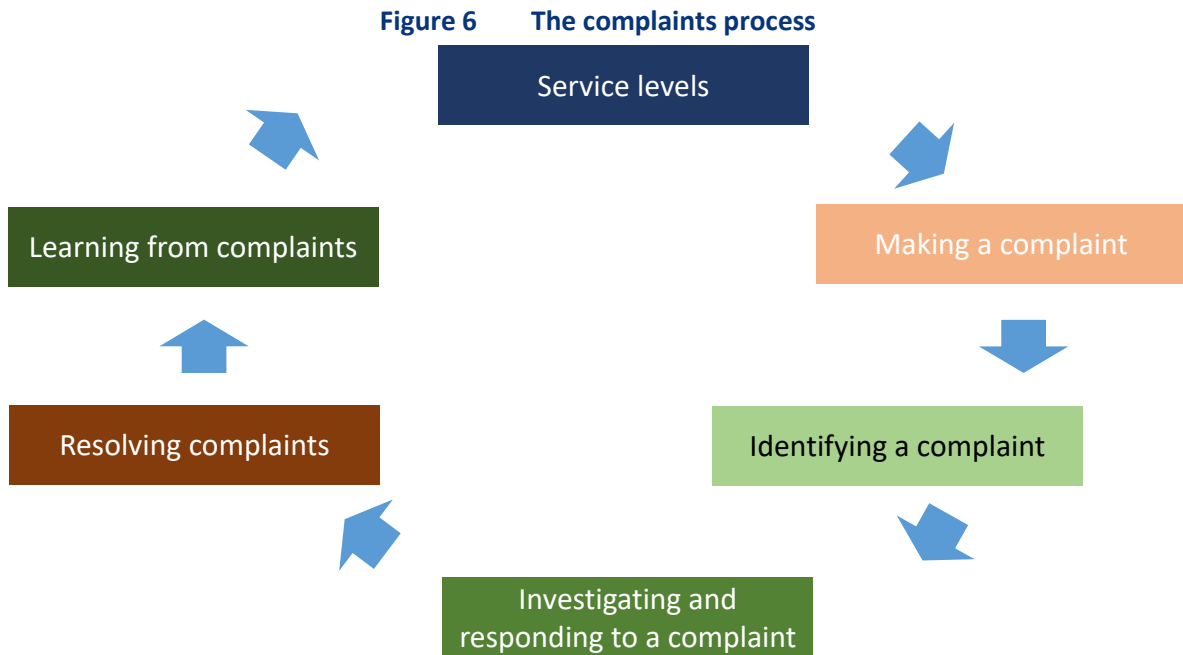
2 The complaints process

This section outlines the complaints process. It describes the journey that solicitor firms and consumers go through, summarised in Figure 6:

- 1) A consumer is satisfied or dissatisfied with their solicitor firm's service;
- 2) If they are dissatisfied, they may make the decision to complain (or express dissatisfaction), or barriers may prevent them from doing so and they may 'suffer in silence' or might approach the Legal Ombudsman prematurely;
- 3) The solicitor firm may identify the consumer's expression of dissatisfaction as a complaint and record it in their complaints records, or not;
- 4) If the solicitor identifies the consumer's expression of dissatisfaction as a complaint, they investigate and respond to the complaint. Alternatively, they may not respond if they have not identified the expression of dissatisfaction as a complaint requiring a response;
- 5) The solicitor's response may resolve the consumer's complaint. If not, the consumer may choose to pursue the complaint at second tier (e.g. through the Legal Ombudsman or an alternative dispute resolution (ADR) provider¹⁴), or barriers may prevent them from proceeding;

¹⁴ In May 2013 the European Parliament published a Directive on ADR to ensure that consumers can, on a voluntary basis, submit complaints against traders to entities offering independent, impartial, transparent, effective, fast and fair ADR procedures. From 1 October 2015, solicitors were required to signpost consumers to an "ADR entity" that is competent (as set out in the Regulations) to handle their complaint. This requirement was in addition to the existing requirement under the Legal Services Act 2007 to signpost the Legal Ombudsman scheme.

- 6) Solicitors may learn from complaints information (and other consumer feedback) to change their complaints handling and customer service procedures, which in turn feeds into the service levels that consumers experience.



Source: London Economics

The sections below summarise the findings of existing research under each step in the complaints process. The remainder of the report outlines the key findings of the present research for each process step.

2.1 Providing a good service

Several recent reports have indicated that consumers' expectations regarding the quality of solicitors' legal advice or service may not always be informed. Legal services are complex, and solicitors have specialised information that consumers often do not possess. This is known as information asymmetry. This means that consumers can be put off from seeking legal advice. For example, Ipsos MORI (2016)¹⁵ finds that only a third of people with a legal problem seek advice, and only one in ten seek advice from a solicitor.

Even if consumers seek legal advice, they may not feel able to judge the quality of the service they received. For example, 72% of respondents in the CMA's quantitative survey said that they felt able to judge the likely quality of help that a solicitor would give them (CMA, 2016¹⁶). However, they may be overconfident about their ability to judge a solicitor's likely quality of advice or service after meeting them. Maule (2013)¹⁷ points out that consumers may compare their impressions of a solicitor with their own impressions of what a good solicitor 'ought' to be, or ought to do or say to judge a solicitor's likely quality. These impressions may be influenced by stereotypes, rather than

¹⁵ Ipsos MORI (2016), *Online survey of individuals' handling of legal issues in England and Wales 2015*, conducted for Legal Services Board and The Law Society

¹⁶ Ibid.

¹⁷ Maule (2013), *Understanding Decision Making in Legal Services: Lessons from Behavioural Economics*

linked to the advice suitable to a consumer's situation - this is a bias known as the representativeness heuristic (Tversky and Kahneman, 1972¹⁸).

When consumers seek legal advice, they may not always understand the reasons for their solicitors' actions, or the timeframes for actions and the costs for services. Research has indicated that consumers are frequently dissatisfied about 'delays, costs, failure to keep informed' (YouGov, 2012)¹⁹. And delays, costs and poor communication have consistently been some of the most common complaints resolved by the Legal Ombudsman (along with failure to advise and failure to follow instructions). Better communication between solicitor firms and consumers would help firms to understand and manage consumer expectations (Tax et al., 1998).²⁰ It would also help consumers to better understand the legal system, and why their solicitors made certain decisions (Economic Insight, 2013²¹).

Some areas of law receive more complaints. In 2015-2016, 22% of the Legal Ombudsman's resolved complaints were in the area of residential conveyancing, followed by 14% in family law and 13% in wills and probate (Legal Ombudsman, 2016b²²). Similar patterns have been found by YouGov for the Legal Services Board (2011)²³. These may be the areas of law where there are more consumer transactions.

2.2 Making a complaint

Recent research has found that many dissatisfied consumers do not complain. This report refers to these consumers as 'non-complainants'. About 49% of consumers dissatisfied with legal services do not complain, compared to 70% of consumers dissatisfied with supermarkets (Legal Services Consumer Panel (LSCP), 2011 to 2017)²⁴. Secondly, many dissatisfied consumers make a premature complaint to the Legal Ombudsman, without first complaining to their solicitor or without allowing enough time for their solicitor to respond. In their 2012 survey of premature complainants, YouGov estimated that 62% of them went straight to the Legal Ombudsman without making a formal complaint to their solicitor first.²⁵

A distinction is sometimes made between formal and informal complaints. Formal complaints are known as those that are made in writing, usually in a letter that is explicitly a letter of complaint. Informal complaints are often used to refer to other expressions of dissatisfaction, made either verbally or in writing, but that are not explicitly set out as a complaint.

¹⁸ Tversky, A.; Kahneman, D. (1972). "Subjective probability: a judgement of representativeness", *Cognitive Psychology* 3, 430 – 454.

¹⁹ YouGov (2012), *Consumer experience of complaint handling in the legal services market*, for The Legal Ombudsman

²⁰ Tax, S. S., Brown, S. W., & Chandrashekar, M. (1998). Customer evaluations of service complaint experiences: implications for relationship marketing. *The Journal of Marketing*, 60-76.

²¹ Economic Insight (2013), *The business case for good complaints handling in legal services*, The Legal Ombudsman

²² Legal Ombudsman (2016b), *2015/2016 Complaints data overview*

²³ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

²⁴ Legal Services Consumer Panel, [Tracker Briefing 1: A changing market](#) (accessed 07.02.17); Legal Services Consumer Panel, [Tracker Briefing 2: Confidence and satisfaction](#) (accessed 07.02.17); Legal Services Consumer Panel, [Tracker Briefing 1: How consumers choose legal services](#) (accessed 07.02.17);

²⁵ YouGov (2012), *Consumer experience of complaint handling in the legal services market*, The Legal Ombudsman

Consumers may not complain if they are worried about the impact that complaining might have on costs, their case or their relationship with their solicitor. The CMA (2016)²⁶ found that 23% of consumers were not confident that their legal services providers had clearly explained the potential outcomes of their complaint. YouGov (2011)²⁷ found that 21% of non-complainants reported that they were worried it would end up costing more.

Consumers may also not complain if they do not have confidence in the fairness or independence of complaints handling. For example, YouGov (2011)²⁸ found that 22% of non-complainants reported having no confidence that their complaint would be resolved fairly.

“Because they know the law, they are protected by a company that knows the law and we are just a couple that don’t really know anything about it. So we did feel a bit out of our depth, at times with it.....”

-Quote from dissatisfied consumer, YouGov (2012).

Similar worries have been observed in other sectors. In health services, research has consistently shown that people are suspicious of internal complaints mechanisms, and when a more independent element of review was introduced the number of complaints increased (Gulland, 2010).²⁹

Studies have highlighted another key barrier for consumers in complaining: a lack of information. Many users of legal services said that they either did not know they could complain to the solicitor directly, or did not know how to complain (YouGov, 2012³⁰). Previous research has found that there are gaps in the information provided by solicitors to consumers. For example, fewer than 50% of solicitors provide information on their

complaints process or the Legal Ombudsman on their website (CMA, 2016³¹).

Previous research has identified another barrier consumers might face to complaining: a lack of confidence. For example, 44% of survey participants said they felt confident about complaining about lawyers, compared to 67% in the supermarket sector (LSCP Tracker Survey, 2017³²). The lack of confidence may be related to the information asymmetry mentioned above. Lack of information and lack of confidence could both drive consumers to complain prematurely to the Legal Ombudsman (YouGov, 2012³³).

In addition, legal situations are frequently stressful. If consumers are under emotional strain and do not have the information they need, they may give up. For example, YouGov (2011)³⁴ found that almost two fifths of consumers who were dissatisfied and didn’t take action reported that they

²⁶ Competition and Markets Authority (2016) *Legal services market study: Final report*

²⁷ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

²⁸ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

²⁹ Gulland, Jackie (2010). *Current developments in the UK—complaints procedures and ombudsmen*. Administrative justice in context. Oxford: Hart Publishing, 457-481.

³⁰ YouGov (2012), *Consumer experience of complaint handling in the legal services market*, The Legal Ombudsman

³¹ Competition and Markets Authority (2016) *Legal services market study: Final report*

³² Legal Services Consumer Panel, Legal Services Consumer Tracker 2017 ([Insight Report](#)), accessed 19th September 2017

³³ YouGov (2012), *Consumer experience of complaint handling in the legal services market*, The Legal Ombudsman

³⁴ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

didn't think it would be worth it. Also, some consumers give up during the complaint process. Research for Citizen's Advice found that delays in the complaints process across sectors can lead to 13% of complaints being abandoned and a reluctance to complain in the future. This is particularly prevalent among consumers who may be vulnerable.³⁵

2.3 Identifying complaints

Internal research carried out by the Legal Ombudsman has indicated that solicitor firms may not always identify when a consumer is making a complaint that requires a response. It can be difficult to distinguish between formal and informal complaints, and when informal 'grumbings' become formal expressions of dissatisfaction. The method in which a complaint is made is sometimes used to determine the severity of it, although some think that complaints must be made in writing. Rather than making a formal complaint, many dissatisfied consumers will initially raise their feelings of dissatisfaction verbally, which is sometimes known as a 'soft' complaint. Consumers may raise a soft complaint at the first tier because they do not know how to complain more formally, or for some of the other barriers noted above. Good practice in complaint handling includes solicitors picking up on the cues of 'soft' complaints' and acknowledging them as complaints. They can then resolve the problem and stop 'soft' complaints from escalating into formal complaints.³⁶

Solicitors may also be overconfident about the quality of the service they deliver. For example, a recent study found that 80% of lawyers think they're delivering 'above average' service, but only 40% of clients say they're receiving it (LexisNexis, 2015³⁷). This behavioural bias, known as 'illusory superiority' or the 'above average' effect (Hoorens, 1993)³⁸ means that people tend to overestimate their abilities relative to the average. This means that solicitors may not identify when consumers complain, since they believe that their service has been better than average, and when solicitors respond to a complaint, they may be less open to acknowledging that their service may need improvement.

2.4 Investigating and responding to complaints

Most solicitor firms have a complaint partner, whose name is registered with the SRA. In small firms this will be the sole practitioner. Large firms may have a complaint handling team. Investigating a complaint will usually involve acknowledging and clarifying the complaint, checking the file and speaking to the fee-earner or other staff, and to the complainant. Sometimes the work is put on hold or is given to a different fee-earner, if this is appropriate to the investigation. The firm may speak or write to the complainant several times before providing their final response to the complaint. Firms' final responses usually state whether they accept the complaint or not, and may offer a resolution to the complaint.

Research has indicated that consumers may be dissatisfied with the level of transparency and communication with complaints handling. For example, YouGov (2011)³⁹ found that 40% of consumers were dissatisfied with their experience of first tier complaints procedures, and 37% of

³⁵ DJS Research (2016), *Understanding consumer experience of complaints handling*, Citizen's Advice Bureau

³⁶ YouGov (2012), *Consumer experience of complaint handling in the legal services market*, for The Legal Ombudsman

³⁷ LexisNexis (2015), *The Age of the Client*, LexisNexis Bellwether Report, Issue 3

³⁸ Hoorens, Vera (1993). "Self-enhancement and Superiority Biases in Social Comparison". *European Review of Social Psychology*. Psychology Press. 4 (1): 113–139.

³⁹ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

consumers were satisfied. Reasons for their dissatisfaction included a lack of transparency and communication with how their complaints were handled, with many consumers reporting that their complaint had not been acknowledged.

The Legal Ombudsman's case review showed that there is variation in how solicitor firms handle, and respond to, complaints.

Consumers may also be dissatisfied with the tone of their solicitor firm's response. In qualitative research, YouGov (2011)⁴⁰ found that the majority of interviewed respondents reported that their legal firm was defensive or dismissive of their complaint.

2.5 Resolving complaints

Effective complaints handling can resolve complaints at first tier. If, however, solicitor firms do not respond, or consumers are dissatisfied with the resolution to their complaint, they may choose to pursue their complaints with independent organisations such as the Legal Ombudsman or ADRs. Solicitor firms may also be able to use the outcome of complaints pursued further to modify their complaints handling procedures.

However, research indicates that even if consumers are dissatisfied with the resolution to their complaint at first tier, they may not pursue their complaint further. YouGov (2011)⁴¹ found that seven in ten consumers did not take their complaint to the second tier, most often because they were 'fed up', or didn't think it would be worth it.

Consumers also may not pursue their complaints at the second tier because they don't know they can. Recent research has pointed out that solicitor firms vary in the information that they provide to consumers about the Legal Ombudsman. Fewer than 50% of solicitors provide information on the Legal Ombudsman on their website (CMA, 2016⁴²). The Legal Services Board requires solicitor firms to signpost their clients to the Legal Ombudsman in writing at the end of their complaints procedure, along with the timeframe for doing so and full Legal Ombudsman contact details. However, a review of 100 final response letters by the Legal Ombudsman in 2016 suggests that 54% of solicitor firms fail to provide any signposting information, and a further 18% provide incorrect or incomplete information.

2.6 Learning from complaints

Both consumers and solicitors can benefit from effective complaints handling. Consumers and solicitor firms save time and money when complaints are resolved at first tier (Europe Economics, 2013)⁴³, and this saving increases customer satisfaction.

⁴⁰ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

⁴¹ YouGov (2011), *First-tier Complaints Handling*, for the Legal Services Board

⁴² Competition and Markets Authority (2016) *Legal services market study: Final report*

⁴³ Europe Economics (2013), *Economic Research into Regulatory Restrictions in the Legal Profession*, Office of Fair Trading

Increased customer satisfaction means that there is a solid business case for solicitors to improve their complaints handling procedures. Higher customer satisfaction can allow firms to retain business. A recent survey of legal needs in England and Wales found that the top factor for choosing a legal services provider was having used the provider before (Ipsos MORI, 2016⁴⁴). Customer retention is cost-effective for solicitors, since there is evidence that it costs six to seven times more to acquire a new client than to retain one (Lawnet, 2015⁴⁵).

Higher customer satisfaction is important for another reason: it may help to acquire new customers. The SRA (2011)⁴⁶ found that consumers are often driven by referrals from people they trust, and the LSCP Tracker Survey shows that 62% of consumers chose their solicitor based on a referral or recommendation from family, friends, their trade union, or another organisation⁴⁷. The second most important reason to choose a legal services provider is through recommendations from friends or relatives (Ipsos MORI, 2016⁴⁸). Solicitors with more satisfied customers will build a better reputation than others. This is especially important in the legal sector, since reputation is the most important attribute consumers pay attention to when choosing a solicitor. According to the LSCP's Tracker Survey in 2017, 79% of participants reported that reputation is an important or very important factor when choosing a solicitor.⁴⁹

"I'd probably be driven by referral, if it's a good referral from someone I trust."

-Quote from consumer intending to purchase legal services, SRA (2011)

Effective complaints handling can have a large impact on long-term sales and profits (see e.g. Fornell & Wernerfelt, 1987⁵⁰). A study by Economic Insight (2013)⁵¹ found that in the legal services sector, better complaints handling could lead to profitability increases by 2% to 3%. The same study found that there could be wider benefits across the industry as a whole of up to £80m over the next ten years. Better retention, and better profitability, are growing increasingly important as the legal services market changes. Competition in the legal services market is increasing because consumers

⁴⁴ Ipsos MORI (2016), *Online survey of individuals' handling of legal issues in England and Wales 2015*, conducted for Legal Services Board and The Law Society

⁴⁵ Lwnet (2015), *Lessons for law firms: the client experience*.

⁴⁶ Solicitors Regulation Authority (2011), *Consumer attitudes towards the purchase of legal services: An overview of SRA research findings*

⁴⁷ This includes the proportion of consumers where they or their family have used the solicitor before, as a family member using the service before constitutes a recommendation. Legal Services Consumer Panel, [Legal Services Consumer Tracker 2017 data tables](#) (accessed 06.10.17).

⁴⁸ Ipsos MORI (2016), *Online survey of individuals' handling of legal issues in England and Wales 2015*, conducted for Legal Services Board and The Law Society

⁴⁹ Legal Services Consumer Panel, [Legal Services Consumer Tracker 2017 data tables](#) (accessed 06.10.17).

⁵⁰ Fornell, C., & Wernerfelt, B. (1987). Defensive marketing strategy by customer complaint management: a theoretical analysis. *Journal of Marketing research*, 337-346.

⁵¹ Economic Insight (2013), *The business case for good complaints handling in legal services*, The Legal Ombudsman. In more detail, the model subtracts the expected financial costs (e.g. foregone fee income, increased administrative staff cost, client reimbursements, and any initial set up and investment costs) from benefits (improved customer retention, acquisition and potential cost efficiencies).

can choose among a wider variety of legal business providers (Legal Ombudsman, 2014⁵²) and it is easier than before to search and shop around.⁵³

The legal services market is also experiencing regulatory reforms, government initiatives, alternative legal service providers and technological changes (SRA, 2016b⁵⁴, SRA, 2015⁵⁵). This means that it is increasingly important to understand how service standards can be improved to retain and attract customers.

3 Providing a good service

Key findings relating to service expectations

Solicitor firms could improve how they communicate information about the legal work:

- 62% of surveyed consumers expected regular progress updates.
- 60% of surveyed consumers and 45% of surveyed firms identified 'clear cost information' as one of consumers' key expectations.
- Only 23% of surveyed firms reported that consumers' key expectations included a clear explanation of the legal process, whereas 48% of surveyed consumers reported that a clear explanation of the legal process was one of their key expectations.
- Only 33% of consumers included a positive outcome for their work among their top 5 expectations, whereas 64% of surveyed firms reported that they believed a positive outcome as a key consumer expectation.

Communication gaps can lead to mismanaged expectations about timescales and costs, which can then lead to complaints:

- 47% of surveyed consumers and 46% of surveyed firms report delays as a key reason for dissatisfaction.
- 37% of surveyed consumers and solicitor firms reported that 'failure to keep informed' was a key reason for dissatisfaction.

Solicitor firms could improve how they communicate information about their complaints procedure and the Legal Ombudsman:

- 98% of surveyed firms reported that they informed consumers about their complaints procedure in writing at the outset of the matter. However, 37% of surveyed consumers reported not being informed about the complaints procedure.

⁵² Legal Ombudsman (2014), *An ombudsman's view of good costs service*

⁵³ Solicitors Regulation Authority (2016b), [Research and Analysis: The changing legal services market](#) (accessed 09.02.17); Legal Services Consumer Panel, [Legal Services Consumer Tracker 2016 Insight Report](#) (accessed 07.02.17).

⁵⁴ Solicitors Regulation Authority (2016b), [Research and Analysis: The changing legal services market](#) (accessed 09.02.17)

⁵⁵ Solicitors Regulation Authority (2015), Risk Outlook 2015/16

- 92% of surveyed firms reported informing their consumers about the Legal Ombudsman in writing at the outset of the matter, and 34% of surveyed firms reported providing this information in writing at the end of the complaints procedure. However, only 4% of surveyed consumers reported being informed about the Legal Ombudsman in their solicitor’s final response to their complaint.

3.1 What are consumers’ key expectations?

The research has identified that many of consumers’ expectations about their solicitors’ service are related to clear information and regular communication. For example, 60% of surveyed consumers (Figure 7) and 45% of surveyed firms (Figure 8) identified ‘clear cost information’ as a key expectation.

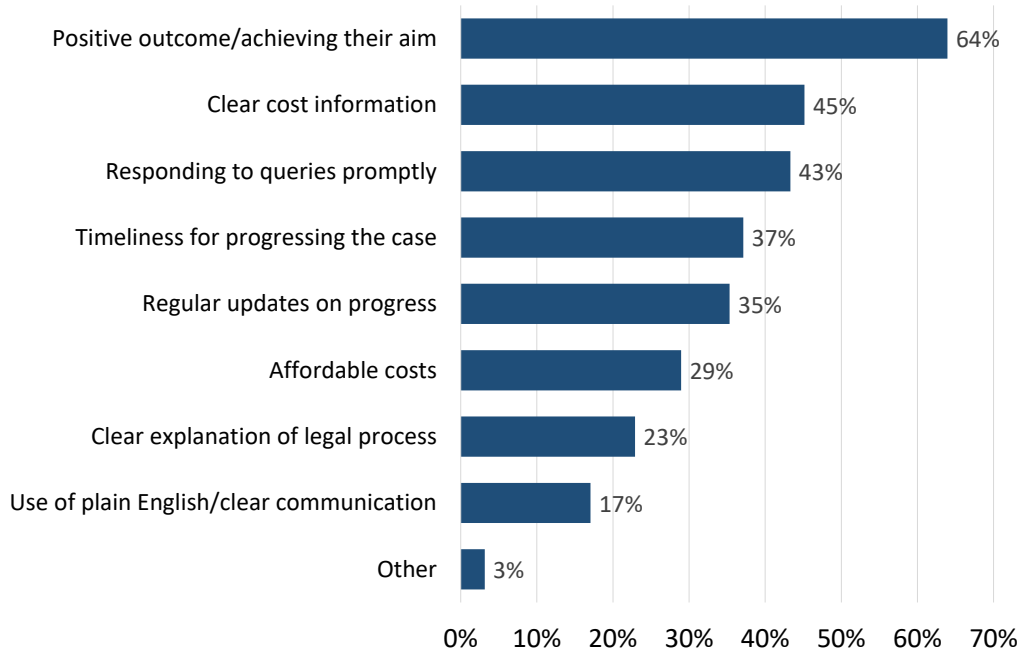
Figure 7 Consumers’ key expectations about their solicitors – results of the consumer survey



Note: Q1. What are the five most important things you expect from a solicitor? Please select up to 5.

N=2016 [1,222 premature complainant respondents; 794 respondents from YouGov panel].

Figure 8 Firms' beliefs about consumers' key expectations from their solicitors – results of the firm survey



Note: Q3. What do you think are clients' key expectations for a good service from your firm? (Please select your top three)
N=539 [all surveyed firms].

Solicitor firms have some understanding of consumer expectations as, for example, 24% of consumers and 29% of firms said affordable costs; 45% of consumers and 37% of firms said progressing work on time; and 51% of consumers and 43% of firms said responding to queries promptly were key expectations.

However, the firm and consumer surveys suggest that there may be some gaps in firms' understanding of consumers' expectations. For example, 64% of surveyed firms reported that one of consumers' key expectations is a positive outcome for their work (Figure 8). However, only 33% of surveyed consumers reported expecting a positive outcome, although they valued their solicitor's legal knowledge and experience highly (Figure 7). Still, consumer interviews suggested that the outcome of the legal work may affect the strength of consumers' dissatisfaction. Some interviewees reported that the knock-on impact of

"People want clarity about their best course of action, how long it will take and how much it will cost."

-Stakeholder

their work not being dealt with in the manner they expected was often frustration and annoyance, and consumers reported stronger dissatisfaction if they did not have the outcome they wanted.

“When he was writing to the other side it was clear that he hadn’t listened to me...our initial meeting didn’t last very long and he kept popping off to see if another thing had come through – I didn’t have 100% of his attention...several days later he sent me the ts&cs to sign – there was a paragraph that stated [I] told [him] she didn’t work throughout her life – that was totally incorrect, I’d been working and made the ‘married [person]’s contribution’ to the pension. He hadn’t listened at all... I couldn’t sleep, I thought ‘what’s the point in having a lawyer’, then I represented myself.

I emailed to say that the information was wrong and got a bill...I sent a letter saying that I didn’t want him to act for me...I wrote to the complaints partner who said I hadn’t been charged for the ts&cs letter... I wanted a reduction in fees – I didn’t mind paying for the first meeting, but I didn’t want to pay for the information that he’d typed up that was incorrect... I paid because I didn’t want to be chased for money...”

-Consumer, Family matters

Some solicitor firms may not always realise the importance of clear communication to consumers. For example, only 23% of surveyed firms reported that consumers’ key expectations included a clear explanation of the legal process (Figure 8), whereas 48% of surveyed consumers reported that a clear explanation of the legal process was one of their key expectations (Figure 7).

“Slow progress, or a positive outcome are not as important to consumers as clear communication.”

-Stakeholder

“Clients aren’t best placed to assess what is good quality service.”

-Solicitor, Small firm

Solicitor firms who were interviewed in-depth showed a wide spectrum of views on what a good legal service looks like. For many participants, they believe clients are outcome focused, and simply want a resolution (financial or otherwise) to their case. This means they leave it in the hands of solicitors to determine exactly what takes place to get them the outcome they want. Indeed, some felt that the clients may not be the best people to judge what ‘quality’ is in terms of their overall service, as

they are not aware of the work being done. This is related to information asymmetry, as discussed earlier.

However, many solicitor firm interviewees reported that consumers valued communication and transparency. They noted that a lot of the complaints they reported receiving, particularly the ones they felt to be less serious, could be attributed to poor communication between solicitors and

clients. This is in line with consumers' top reported expectations of legal service (Figure 7). Many solicitor firm interviewees pointed out that firms may often overlook the 'pastoral role' of a solicitor - that solicitors are dealing with clients who are often in a distressed state. Interviewees also pointed out that empathy, as well as sympathy, was important.

"Put yourself in the customer's shoes and ask would you feel the same?"

-Solicitor, Large firm

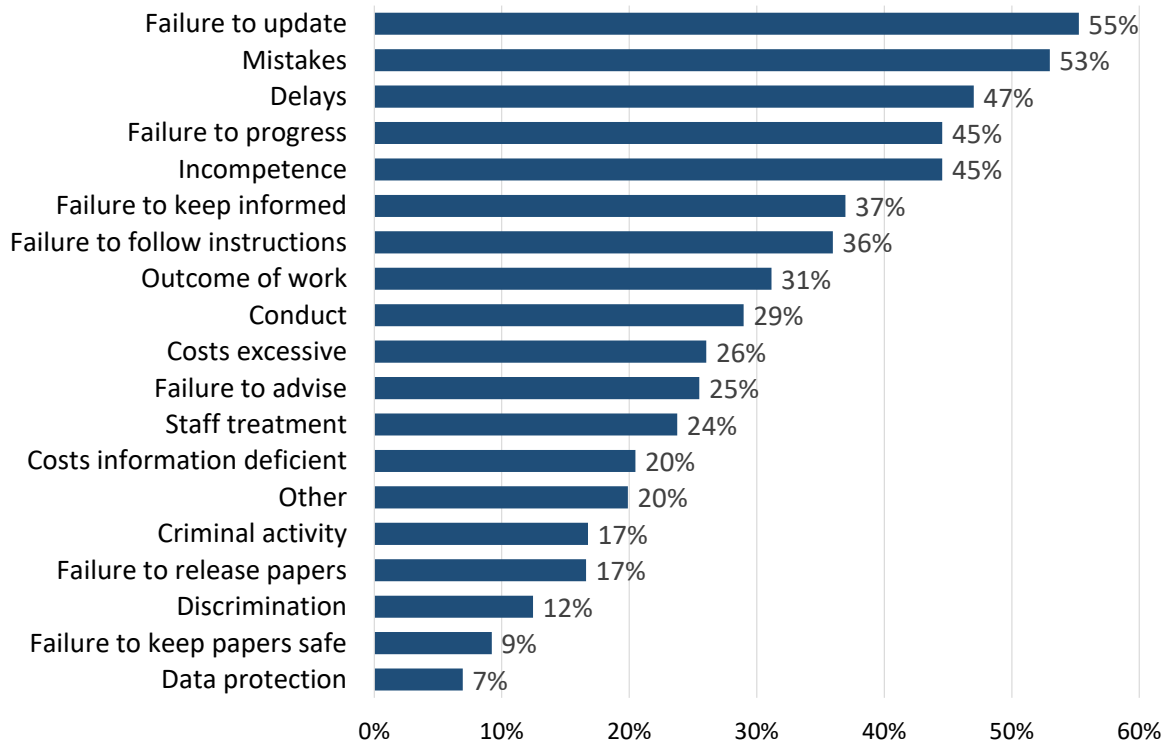
"I think we have to empathise more and understand where people are coming from and what their issues are."

-Solicitor, Large firm

3.2 What are consumers' reasons for dissatisfaction?

Consumer dissatisfaction arises when consumers' expectations are not met. 47% of surveyed consumers (Figure 9) and 46% of surveyed firms (Figure 10) report delays as a reason for dissatisfaction.

Figure 9 Consumers’ reasons for dissatisfaction with their solicitors’ service – results of the consumer survey



Note: Q4. Why were you dissatisfied with the legal service provided by your solicitor? Select all that apply.
 N=2016 [1,222 premature complainants; 794 respondents from YouGov panel].

The firm and consumer surveys also indicated that consumers frequently express dissatisfaction related to a lack of frequent or clear communication. For example, 55% of consumers reported that they were dissatisfied because their solicitor failed to update them, and 37% reported that their solicitor failed to keep them informed (Figure 9) and 20% said cost information was deficient. This is in line with the firm survey, where 37% of surveyed firms reported ‘failure to keep informed’ as one of the top 5 reasons for dissatisfaction (Figure 10).

Figure 10 Firms' most frequently reported reasons for consumers' dissatisfaction – results of the firm survey



Note: Q6. What are the five most common types of complaints, or reasons for expressions of dissatisfaction, your firm receives from your clients? (Please select up to five)

N=452 [surveyed firms reporting having ever received a complaint].

In some cases, there is a difference between the firm and consumer surveys. For example, firms' second most frequently reported reason for consumer dissatisfaction was excessive costs, with 41% of surveyed firms citing it (Figure 10). But only 26% of consumer survey respondents reported excessive costs as a reason for their dissatisfaction, making it the tenth most frequently reported reason (Figure 9).

The differences may be because solicitor firms may have different definitions for reasons for dissatisfaction than consumers. For example, some interviewed consumers reported that they were charged for communication that had not been made, or for inaccurate write-ups made after the initial meeting with a legal advisor. In some cases these inaccuracies could have had serious implications on the case (e.g. misreporting ex-wife's working status / ex-husband's net annual income when renegotiating the terms of a divorce). Under these circumstances the consumer was reluctant to pay for the delivery of inaccurate paperwork. A solicitor firm might categorise this reason for dissatisfaction as 'costs excessive', while the consumer may define their reason for dissatisfaction as the solicitor's mistake.

53% of surveyed consumers reported that they were dissatisfied because of their solicitors' mistakes, it was the second most reported reason for dissatisfaction (Figure 9). Consumer interviewees reported that errors, 'sloppy' administration and lack of contact from the firm were major reasons for their complaints. Solicitor firms may define complaints about administration into various categories – for example, delays. There is currently no category for solicitor firms to record complaints as a 'mistake' when reporting their first tier complaints to the SRA.

Consumers and solicitors may also have different understandings of the same term or phrase. For example, a few consumers made complaints believing their solicitor to be negligent. However, for solicitor firms 'negligence' has

"There may also be communication gaps e.g. use of the term 'negligent'. Once insurers are involved it is difficult to deal with complaints because of layers of approval."

-Stakeholder

serious consequences, and they have an obligation to contact their insurers when they identify a situation that could give rise to a claim, under the terms and conditions of the professional indemnity insurance they are required to carry (SRA, 2011).

"Sometimes service users won't understand the severity of the issue and how solicitors would deal with it. Solicitors need to be sensitive about these issues, but if they are not it might precipitate a complaint because people don't feel listened to."

-Stakeholder

However, one stakeholder and some Legal Ombudsman staff pointed out that in many cases, consumers may simply be using the term to refer to service issues, such as when the solicitor has not kept them informed, or that they have not taken action on their work. Consumers can choose to seek redress for these issues either through the court, by making a claim for negligence, or through the Legal Ombudsman. If an ombudsman decision is accepted, the consumer cannot seek redress for the same issue in the court, and vice versa. Consumers are often not aware of their options and the implications of making a complaint about negligence to the solicitor firm.

'The senior partner was on holiday so passed the case onto a junior assistant. The case dragged on so long that [the senior partner's] holiday became irrelevant... The person who took on my case was incompetent, her work was sloppy ... When doing some modelling of income she treated net and gross income as the same thing and made hooters on exchange rates...she lacked basic arithmetic.'

-Consumer, Family matters

As well as being a key service expectation of consumers, stakeholders pointed out that in many cases clear communication may help to manage consumers' expectations, and prevent consumer dissatisfaction. Most of the stakeholders pointed out that solicitors have information that consumers do not, and that clear explanations of the legal process can help consumers form expectations about possible scenarios for how the work may develop, and therefore how long work might take and how

Clearer communication might help to address many of consumers' top reported key reasons for dissatisfaction, for example the top reported reason: a failure to update (Figure 9). One consumer explained the communication difficulties at the outset of their case:

"On the first appointment I was told to wait, and I waited a long time, to then be told that a solicitor wasn't available. On the second visit they took my documents but then they never contacted me again – they'd just dropped the case ... with no response I wasted time."

-Consumer

Interviewed firms also stressed the importance of communication and keeping clients informed. For example:

"People want to be understood, they want to know that the issues that are important to them are important to us. It is less about outcome and more about communication and rapport and the knowledge that their situation has been understood and the solicitor is compassionate."

-Solicitor, Large firm

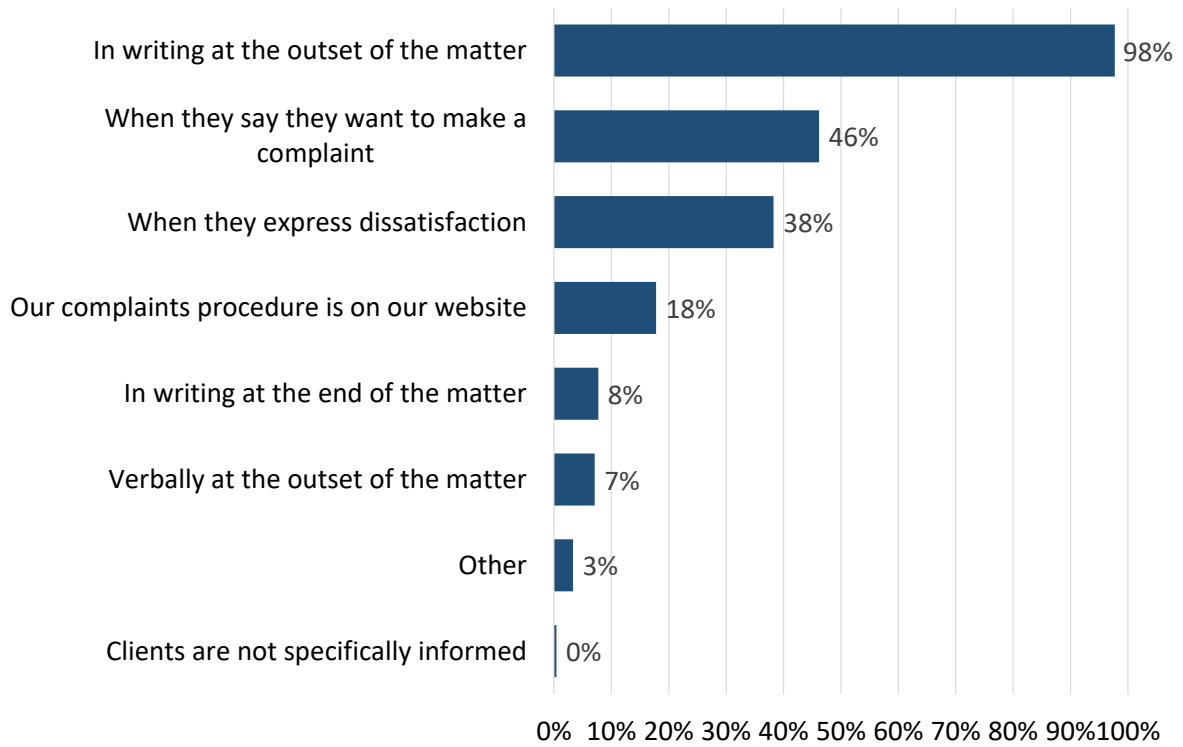
3.3 Information provided to consumers

Solicitor firms are required to provide their clients with information about their complaints procedure and signpost clients to the Legal Ombudsman, in their client care letter and at the end of their complaints procedure. This is set out in the Legal Services Board's section 112 requirements.⁵⁶

Almost all surveyed firms reported that they provided consumers with information about their complaints procedure, most (98%) reporting that they did so in writing at the outset of the matter (Figure 11).

⁵⁶ Legal Services Board (2016), [First-tier complaints handling: section 112 requirements and section 162 guidance for approved regulators](#)

Figure 11 Informing consumers about the complaints procedure – results of the firm survey

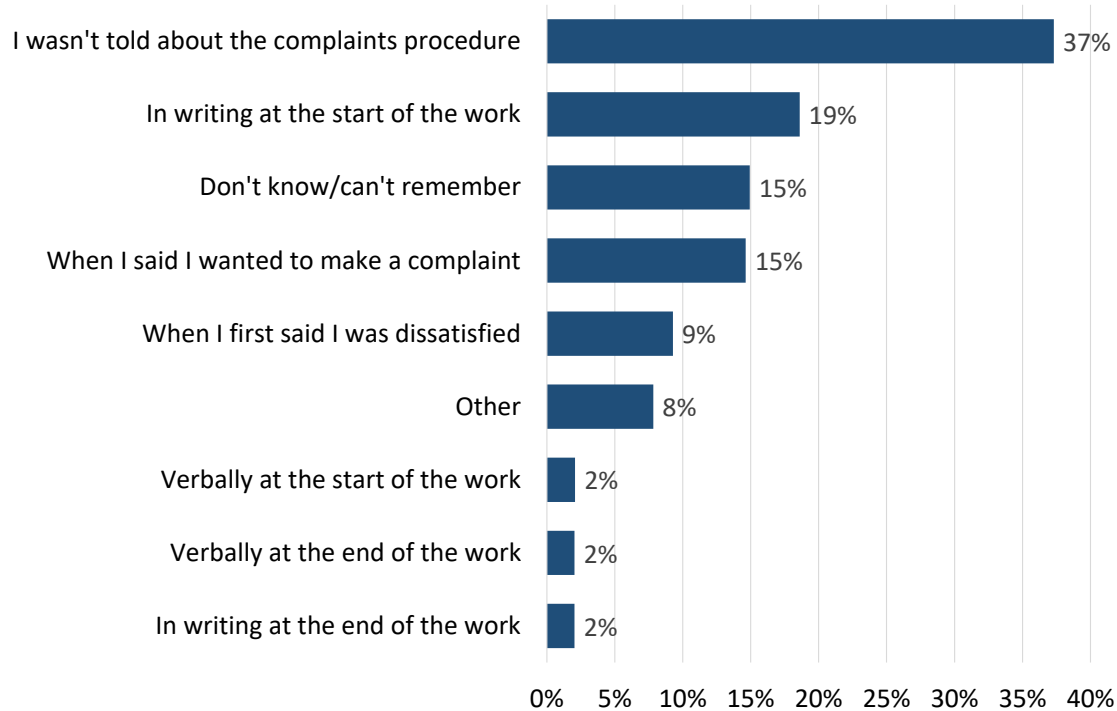


Note: Q11. When are clients informed how to complain to your firm? (Please select all that apply)

N=539 [all surveyed firms].

However, there is a difference between the information that solicitor firms provide to consumers, and the information that consumers recall receiving from solicitors. For example, 37% of surveyed consumers reported not being informed about the complaints procedure (Figure 12).

Figure 12 Receiving information about solicitors' complaints procedure – results of the consumer survey



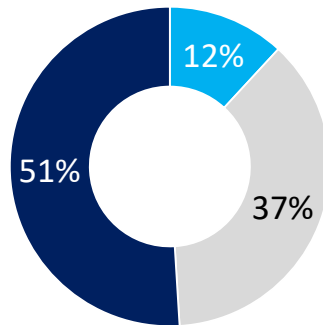
Note: Q29 (Premature complainants) and Q18 (YouGov panel). At what point (if any) were you told about your solicitor's/ solicitor's firm's complaints procedure? Select all that apply.

N = 2016 [1,222 premature complainants; 794 respondents from YouGov panel]

Solicitor firms are also required to inform consumers about the option of using ADR agencies to resolve complaints against solicitors. However, more than half of surveyed firms reported that they did not explicitly inform consumers about this option, and almost three quarters (72%) of surveyed consumers reported that they did not receive this information (Figure 13).

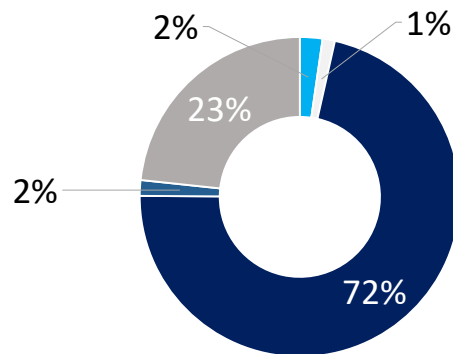
Figure 13 Information about ADR agencies – results of the firm and consumer survey

Informing consumers about ADR agencies: firm survey



- We tell clients about them and we use the services of some ADR providers
- We tell clients about them, but we do not use the services of ADR providers
- We do not tell clients about them

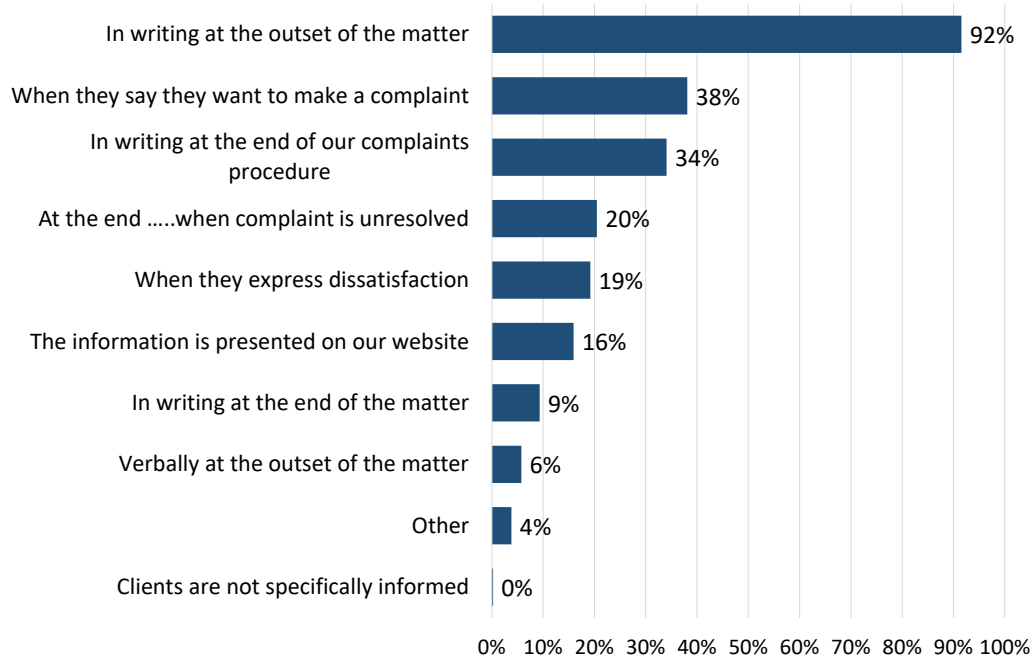
Receiving information about ADR agencies: consumer survey



- Told about ADRs; solicitor uses some
- Told about ADRs, solicitor does not use any
- Not told about ADRs
- Told about ADRs; unsure if solicitor uses
- Don't know/can't remember

Note: Q26 (firm survey). Does your firm give clients the option of using Alternative Dispute Resolution (ADR) providers?
 Q34 (Premature complainants) and Q23 (YouGov panel). Did your solicitor give you any information about Alternative Dispute Resolution services, which are third parties who can help to resolve complaints about solicitors, other than the Legal Ombudsman?
 N = 2,016 [1,222 premature complainants; 794 respondents from YouGov panel].

There may also be a difference between the information about the Legal Ombudsman that solicitor firms report providing consumers, and the information that consumers report receiving. 92% of surveyed firms reported informing their consumers about the Legal Ombudsman in writing at the outset of the matter (Figure 14), and 34% of surveyed firms reported providing this information in writing at the end of the complaints procedure.

Figure 14 Informing consumers about the Legal Ombudsman – results of the firm survey

Note: Q24. When does your firm inform clients about the option of using the Legal Ombudsman? (Please select all that apply)
N=539 [all surveyed firms].

However, almost three fifths (56%) of surveyed consumers reported that they were not informed about the Legal Ombudsman (Figure 15) by their solicitor. If consumers felt the need to progress the

“I’m confused about the Legal Ombudsman...they gave me everything I needed to get the ball rolling but I don’t really know what they do...”

-Consumer, conveyancing

complaint, the internet was often their first port of call for researching the support available – and it was here where the majority of interviewed consumers said that they learnt about the Legal Ombudsman. The role of the Legal Ombudsman was not immediately clear to some interviewed consumers however, even to those who have accessed the website - indicating that more could be done to explain how it can benefit consumers.

The disconnect between the firm and consumer surveys may suggest that consumers may not have understood the information, or that it was not provided at a time that they could recall and use it. For example, only 15% of surveyed consumers reported being informed about the solicitor’s complaints procedure when they said they wanted to make a complaint (Figure 12), and only one

“Firms often don’t know that they have to inform clients about the Legal Ombudsman at the end of their procedure and are often surprised when they are informed. Many don’t inform clients about the Legal Ombudsman, or name it incorrectly.”

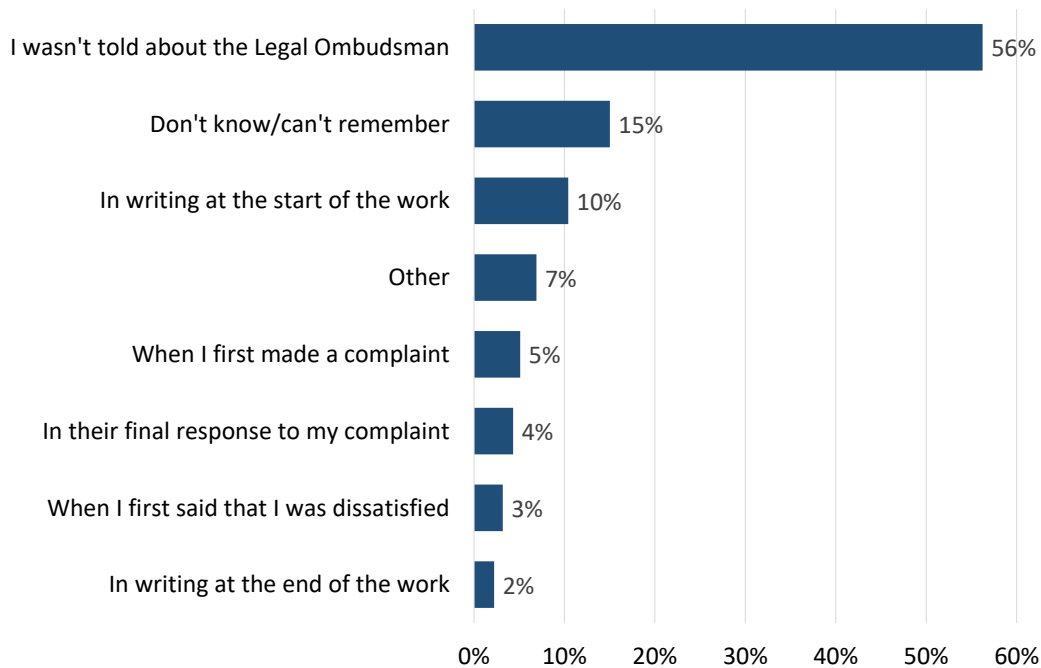
-Stakeholder

“Firms can improve service with sensitive and clear information dissemination, laying out the process e.g. short videos that different people can understand, providing opportunity to revisit information, parcelling out information in a usable way.”

-Stakeholder

third (34%) of surveyed firms reported informing their clients about the Legal Ombudsman at the end of the complaints procedure, despite this being a regulatory requirement. Only 4% of surveyed consumers reported being informed about the Legal Ombudsman in the solicitor’s final response to their complaint (Figure 15). This is in line with the Legal Ombudsman’s previous research into 100 solicitors’ final response letters, which found that 72% of reviewed solicitor firms either did not signpost to the Legal Ombudsman, or did not provide correct or complete information.⁵⁷

Figure 15 Receiving information about the Legal Ombudsman – results of the consumer survey



Note: Q30 (Premature complainants) and Q19 (YouGov panel). The Legal Ombudsman is an independent service that can resolve complaints about solicitors. At what point (if any) did your solicitor tell you about the Legal Ombudsman? Select all that apply.

N = 2016 [1,222 premature complainants; 794 respondents from YouGov panel].

In addition to the timeliness of information, both firms and consumers reported that consumers may not receive information in a usable format. Consumer interviewees felt that a key way of

⁵⁷ Legal Ombudsman (2016), First Tier Complaints – Case Review

improving complaints handling would be for firms to provide them with succinct, easy to understand documents that could help them identify the severity of their complaint, as well as the action they could take. For example:

“I’d want a simple questionnaire with tick boxes to help me get to the bottom of what the problem is. I’m not trained in legal questions, but a simple form like this would help me decide how far to take it. If I’d have known how complicated this process would have been I wouldn’t have pursued it.”

-Consumer, conveyancing

“I’d prefer a complaints section on its own, filed as part of the engagement letter but separate to the case itself and clearly marked, so that I could refer to it at any point. You don’t want to read through the whole quote to find it.”

-Consumer

Many interviewed firms felt that there needs to be improvements in the standard ways firms communicate information to consumers. Specifically, many felt that the client care letter needed improvement. They felt the letter is overly long, and, as a result, clients are unlikely to read it in detail, even though it contains crucial information, for example, relating to the amount that a solicitor will charge the client. Even though there were a range of different letter lengths reported (from 3 to 15 pages), some felt that the client specific information should be in a shorter letter, followed by the standard text (such as terms and conditions). This is in line with previous research conducted into client care letters, which found that consumers can miss information in lengthy documents, and that it is vital to design the first page of the letter to encourage consumers to engage with the information (Optimisa Research, 2016).⁵⁸

“It should be chopped down to a side of A4. You have to put in things about data protection and data processing. It’s grown over the years from something that was quite reasonable and now serves no purpose for us, the client, and the regulator.”

-Solicitor, Large firm

Furthermore, interviewed firms felt that it was often difficult to make the language in the letter comprehensible and accessible to all clients – they recognised that some clients may find the letter

⁵⁸ Optimisa Research (2016), Research into Client Care Letters, prepared for: Bar Standards Board, CILEx Regulation Limited, Costs Lawyer Standards Board, Council for Licensed Conveyancers, Institute of Chartered Accountants in England and Wales, Intellectual Property Regulation Board, Legal Services Consumer Panel, Master of the Faculties and Solicitors Regulation Authority

'impenetrable' and be put off from reading it. As such, many complaints that are registered by firms are about something that was specified in the client care letter but was not understood at the time.

However, there is evidence that some solicitor firms modify the way they communicate information about their complaints procedure and Legal Ombudsman if they have had experience of second tier complaints. (See Section 8 for further details.)

"There's a lot in it because a lot of information is required to be in it - I would prefer to make the client care letter shorter and have separate terms and conditions."

-Solicitor, Very large firm

"When you format a client care letter you try to pitch it at a level that most people will find intelligible but that is incredibly difficult - the lawyer tends to think people are working at a higher level of literacy and comprehension than they actually are - on the other hand you don't want to be patronising."

-Solicitor, Large firm

The research highlights some good practice and room for improvement. Consumers value clear communication about the work, the legal process and the costs. Some firms are aware of the need to communicate clearly and the relationship this has with complaints, such as helping to manage expectations, increase client satisfaction and therefore reduce complaints. The next section moves on to how and whether consumers make a complaint when they are dissatisfied.

4 Making a complaint

Key findings relating to making a complaint

83% of surveyed consumers reported expressing their dissatisfaction to their solicitor, or to someone in their solicitor's office, when dissatisfied.

Conveyancing (31% of consumer respondents), wills and probate (19%) and family matters (12%) were among the most complained about areas of law.

63% of surveyed consumers made a written complaint, and 47% reported verbally telling their solicitor.

Consumers experienced some barriers to complaining. Of surveyed consumers who did not complain to their solicitors, 37% reported that they had no confidence in their solicitor's fairness, and 32% thought that their solicitor firm would not notice a complaint.

35% of premature complainants reported that they did not complain first to their solicitors because they did not know how.

21% of surveyed consumers whose day-to-day activities were limited by some level of disability reported that they did not understand their solicitor firm's complaints procedure, compared to 4% of consumers whose day-to-day activities were not limited by disability.

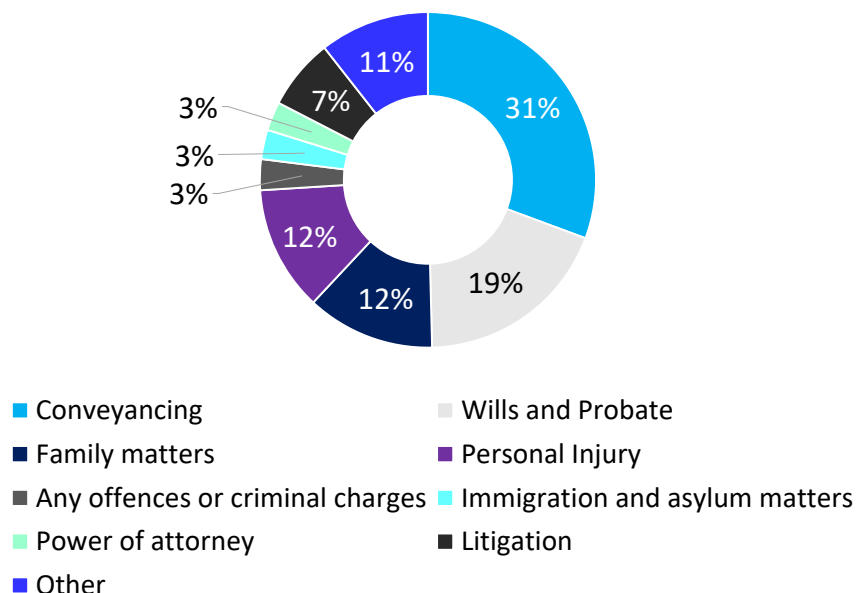
4.1 Do consumers complain to their solicitors when they are dissatisfied?

Most surveyed consumers reported complaining to their solicitor when they were dissatisfied. More than four fifths (83%) of surveyed consumers reported expressing their dissatisfaction to their solicitor, or to someone in their solicitor's office, when dissatisfied.

4.2 Which areas of law had the most complaints?

The consumer survey showed that conveyancing (31% of respondents) and wills and probate (19% of respondents) were the most complained about areas of law (Figure 17)⁵⁹.

Figure 16 Legal service with which respondents were dissatisfied: results of the consumer survey

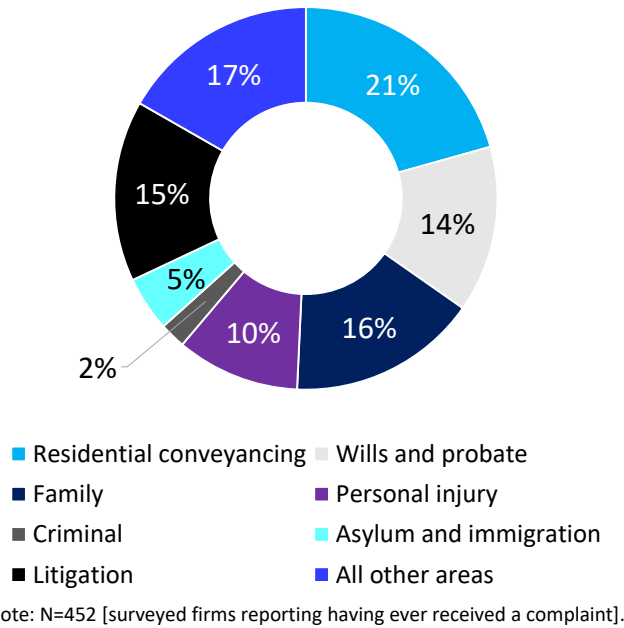


Note: N=2,016 [1,222 premature complainants; 794 respondents from YouGov panel].

Firms reported that residential conveyancing, family, litigation and wills and probate were the areas of law where they received the most complaints on average (Figure 17).

⁵⁹ In the consumer survey questionnaire, when participants were asked about the legal service with which they were dissatisfied, the term 'personal injury' was replaced with 'accident and injury' since this term is more commonly recognised by consumers. The questionnaires are provided in Section A1.3.3 and A1.4.3.

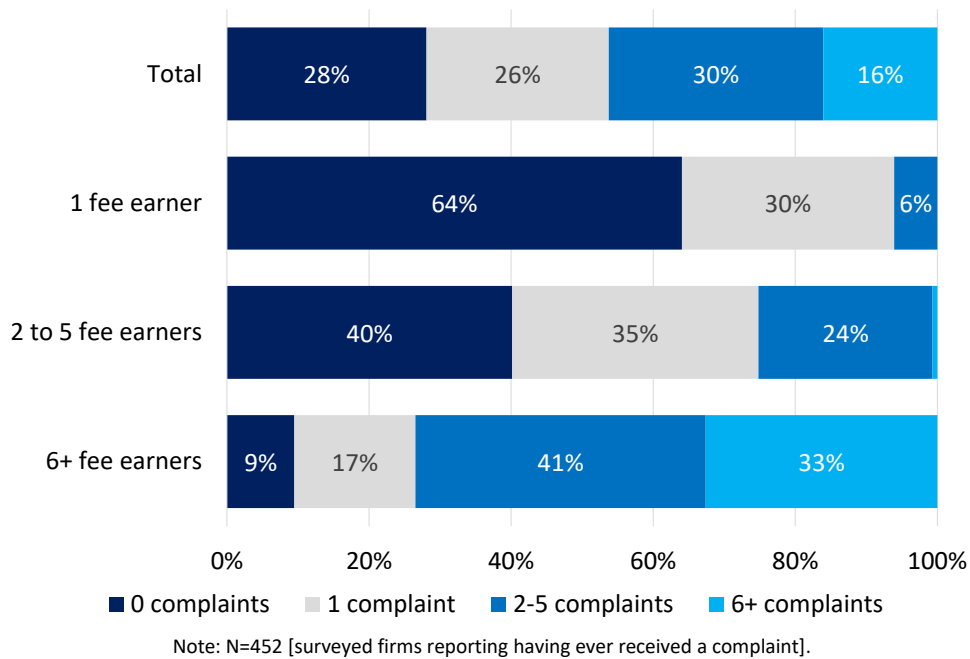
Figure 17 Number of complaints received by area of law: results of the firm survey



4.3 Which firm types received the most complaints?

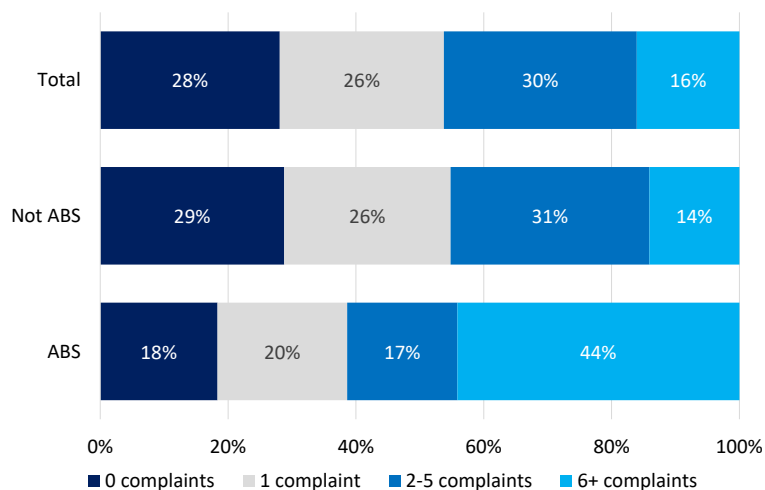
Larger firms reported receiving more complaints than smaller firms. For example, 64% of firms with 1 fee earner reported having received no complaints in the last financial year, compared to 9% of firms with 6 or more fee earners (Figure 18).

Figure 18 Number of complaints received by number of fee earners – results of the firm survey



Firms with an alternative business structure (ABS) also reported receiving more complaints in the past financial year compared to other firms (Figure 19): 29% of non-ABS firms reported receiving no complaints, compared to 18% of ABS firms. This may be because ABS firms tend to be slightly larger than non-ABS firms⁶⁰ and ABS firms often specialise in certain areas of law. For example, on average ABS firms reported receiving 26% of their turnover from Personal Injury, a relatively contentious area of law, compared to an average of 8% for other firms.

Figure 19 Number of complaints received by business structure – results of the firm survey



Note: N=452 [surveyed firms reporting having ever received a complaint].

4.4 How do consumers complain?

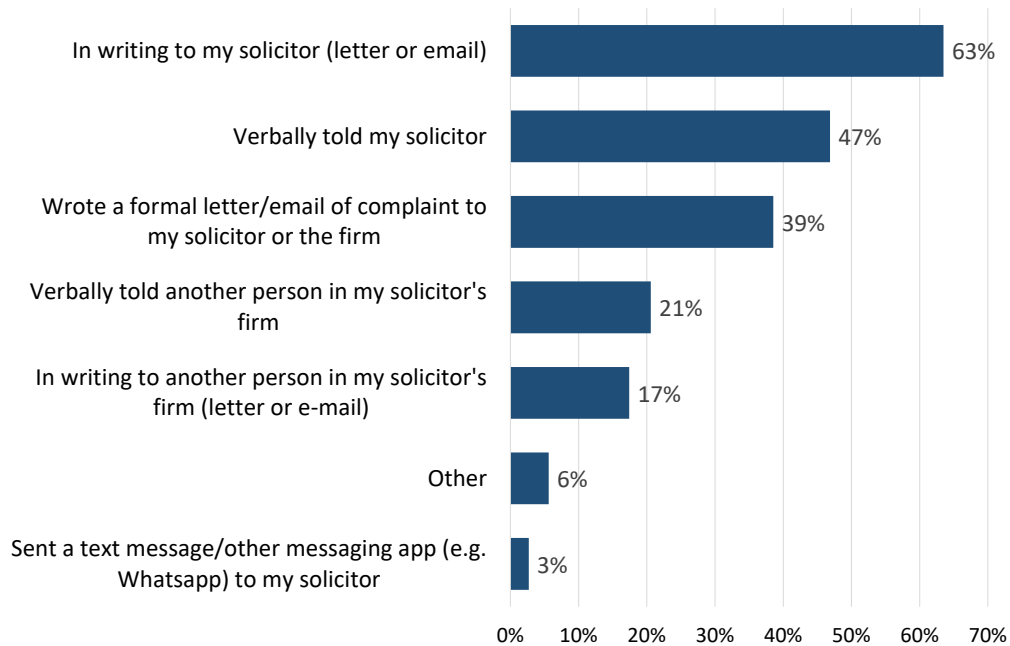
47% of consumer survey respondents reported expressing their dissatisfaction verbally to their solicitor (Figure 20).⁶¹ While more than three-fifths (63%) of surveyed consumers said they complained in writing to their solicitors, relatively fewer (39%) reported that they wrote a formal letter of complaint. This suggests that consumers may not always like to express dissatisfaction through formal channels – however, solicitor firms may not always find it easy to identify an expression of dissatisfaction expressed informally (see Section 5).

In addition, almost half of surveyed consumers (47%) reported that they verbally complained to their solicitor, but solicitor firms may not always record a verbal expression of dissatisfaction as a complaint (see Figure 25 and Figure 26).

⁶⁰ Surveyed non-ABS firms, on average, had 3 fee earners, while ABS firms had, on average, 5 fee earners.

⁶¹ There were no substantial differences between socio-demographic groups regarding how they reported expressing their dissatisfaction to their solicitors. For example, 49% of surveyed consumers up to the age of 65 years reported complaining verbally to their solicitors, compared to 40% of respondents 65 years and over.

Figure 20 How consumers expressed their dissatisfaction to their solicitors – results of the consumer survey



Note: Q6. How did you raise your dissatisfaction with your solicitor/ solicitor's firm?

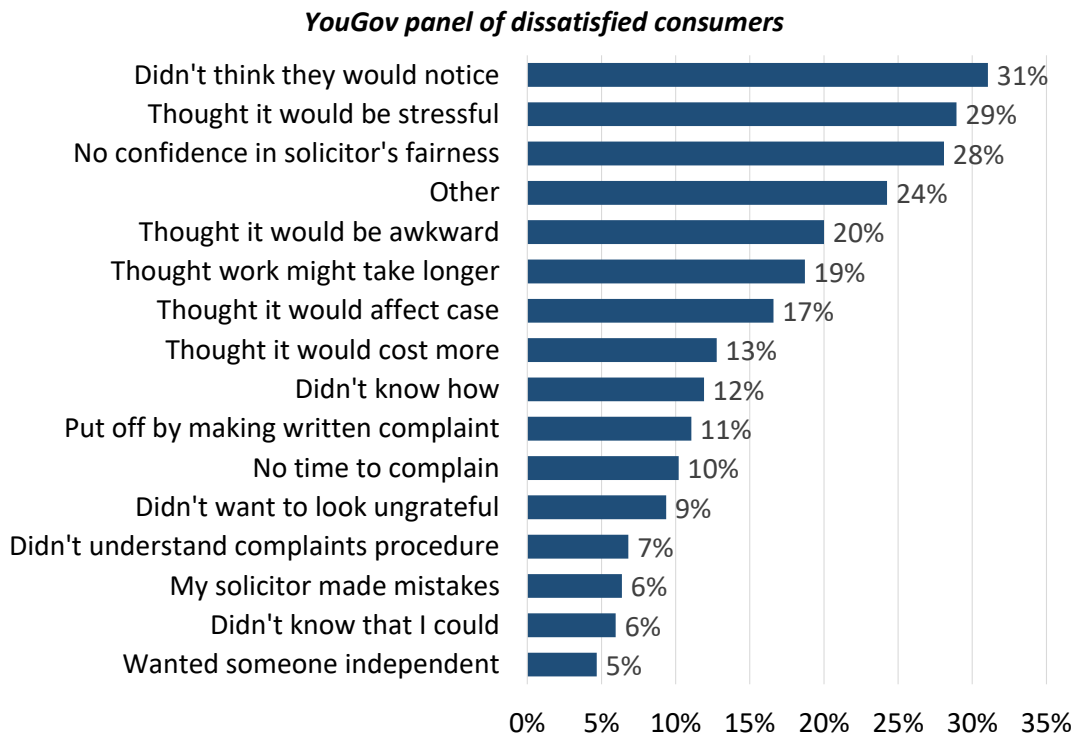
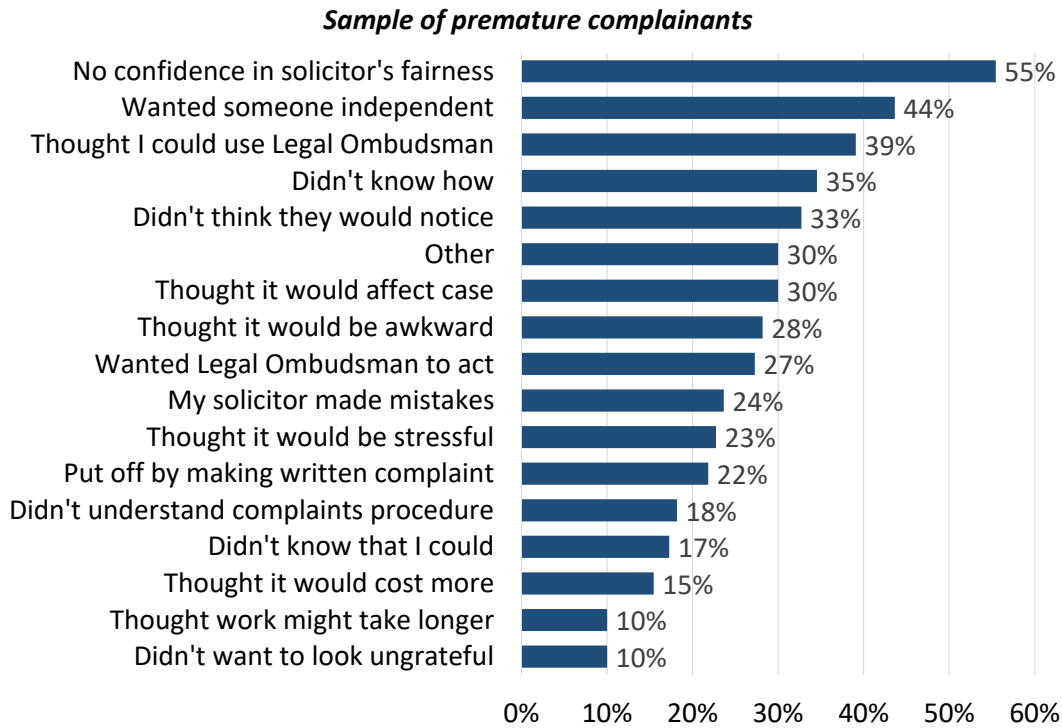
N =1,671 [1,112 premature complainants who complained to their solicitor; 559 respondents from YouGov panel who expressed their dissatisfaction to their solicitor or someone in their solicitor's firm].

4.5 What barriers do consumers face to making a complaint?

Almost one fifth (17%) of surveyed consumers did not complain to their solicitors. A number of barriers may prevent consumers from complaining. One key barrier is related to perceptions of solicitor firms' ability to resolve complaints fairly. For example, 55% of consumers who complained prematurely to the Legal Ombudsman, and 28% of dissatisfied consumers who did not express their dissatisfaction to their solicitor, reported no confidence in their solicitor's fairness (Figure 21). This is in line with previous research e.g. YouGov (2012)⁶², that found dissatisfied consumers frequently reported they did not believe that their solicitors would handle their complaint fairly. Consumers may also have concerns about the independence of internal complaints procedures. 44% of respondents who complained prematurely to the Legal Ombudsman reported doing so because they wanted somebody independent to consider their situation (Figure 21).

⁶² YouGov (2012), *Consumer experience of complaint handling in the legal services market*, for The Legal Ombudsman

Figure 21 Barriers to complaining: results of the consumer survey



Note: Q7 (Premature complainants): Why didn't you raise your dissatisfaction with your solicitor before contacting the Legal Ombudsman? Please select all that apply.

Q17 (YouGov panel). Why didn't you raise your complaint with your solicitor? Select all that apply.

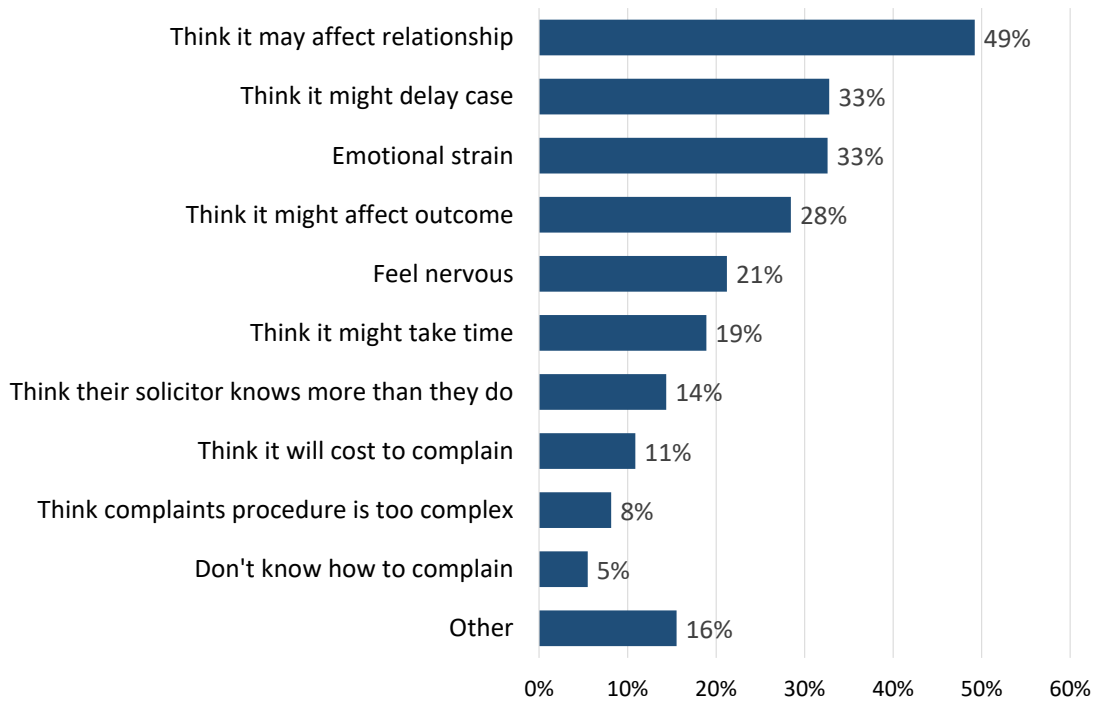
N = 110 [premature complainants]; N = 235 [respondents from YouGov panel who did not complain to their solicitor/someone else at the solicitor's office].

“People expect more in terms of communication than solicitors think they need to provide”

-Stakeholder

31-33% of surveyed consumers also reported believing that solicitor firms would not notice a complaint (Figure 21). Stakeholders have pointed out that solicitors may underestimate the amount of communication that consumer need: when consumers do not receive communication, they may perceive that solicitors are indifferent to their situation. This in turn may prompt them to complain prematurely to the Legal Ombudsman.

Figure 22 Firms’ opinions of consumers’ barriers to complaining – results of the firm survey



Note: Q30. What do you think are the top three reasons that might stop a client from making a complaint to solicitor firms? (Please select up to three reasons)
N=539 [all surveyed firms].

“My father (the deceased) had been a friend of the solicitor”

“Solicitor was a family friend”

“My solicitor is a friend of my brother”

-Consumer survey

Surveyed consumers frequently reported that they didn’t complain to their solicitor because they thought it would be awkward. This was the top reported perceived barrier to complaining in the firm survey: 49% of surveyed firms reported that in their opinion consumers may not complain because they think it may affect their relationship with their solicitor (Figure 22).

Consumers may not complain if they believe that complaining might affect their case, or make it take longer. Premature complainants were more likely to report this concern than other dissatisfied non-complainants: 30% of premature complainants reported that they didn't first complain to their solicitor because they thought it would affect their case, compared to 17% of dissatisfied consumers from the YouGov panel (Figure 21).

“Whether people complain about their solicitor’s service depends on the stage of the process. If they’ve trusted the solicitor with a sensitive issue, then the focus is on the work, what impact complaining has on the work, or do they have to start again?”

-Stakeholder

Stakeholders have pointed out that consumers may be dissuaded from complaining particularly when their work is sensitive e.g. family law cases, or time-sensitive e.g. conveyancing situations.⁶³ Stakeholders have also pointed out that the perceived time or cost of complaining may put off small business clients from complaining, rather than any lack of information about their rights to complain.

Relatively few consumers reported that they didn't know that they could complain to their solicitor. Only 17% of premature complainants, and 6% of dissatisfied non-complainants from the YouGov panel, reported that they didn't complain to their solicitor because they didn't know that they could (Figure 21).

“People do have a general understanding that they can complain, though they may not know specifics.”

-Stakeholder

However, consumers may not know how to complain, even if they know that they can complain, and this may affect how likely consumers are to complain prematurely to the Legal Ombudsman. 35% of premature complainants reported that they did not complain first to their solicitors because they did not know how, compared to 12% of dissatisfied consumers from the YouGov panel who did not complain to their solicitors (Figure 21).

Consumers might not complain if they do not feel confident in doing so. There are many reasons why consumers may not feel confident in complaining to their solicitors. Previous research has indicated that information asymmetry disempowers consumers (London Economics, VVA Consulting and Ipsos (2016)⁶⁴: as previously discussed, solicitors possess specialised knowledge that consumers often do not have, which can make consumers feel at a disadvantage. In addition, consumers are often in an emotionally stressful situation, and do not feel able to pursue complaints, especially if they do not know the impact that complaining may have on their legal work.

⁶³ Conveyancing and family matters are among the most complained about areas of law (see Figure 16 and Figure 17), so it may seem surprising for stakeholders to observe that consumers may not complain in these areas. However, the number of complaints in conveyancing and family matters may also be linked to how commonly they are used. For example, 57% of surveyed dissatisfied consumers from the YouGov panel had used a legal service provider for conveyancing in the last 2 years, and 16% had used one for family matters.

⁶⁴ London Economics, VVA Consulting and Ipsos (2016), Consumer vulnerability across key markets in the European Union, for the European Commission

4.5 | What barriers do consumers face to making a complaint?

Some consumer interviewees who had approached the Legal Ombudsman before complaining to their solicitors said they did so because they thought it would give them an advantage over complaining directly to the firm, who may have become confrontational; others did so because they were not sure how to start the complaints process or because they were not making headway with their legal provider regarding their complaint, or their legal work.

Consumers in circumstances that make them vulnerable may have additional barriers: for example, getting access to the information or support that they need. Stakeholders have pointed out that consumers with learning disabilities, or consumers with mental health issues, might have difficulty comprehending/ retaining the information that they need to complain, which may be further complicated if they have language barriers.

“People from migrant communities might have specific issues about access to care/public funds for people with mental health issues, which are not always handled well”

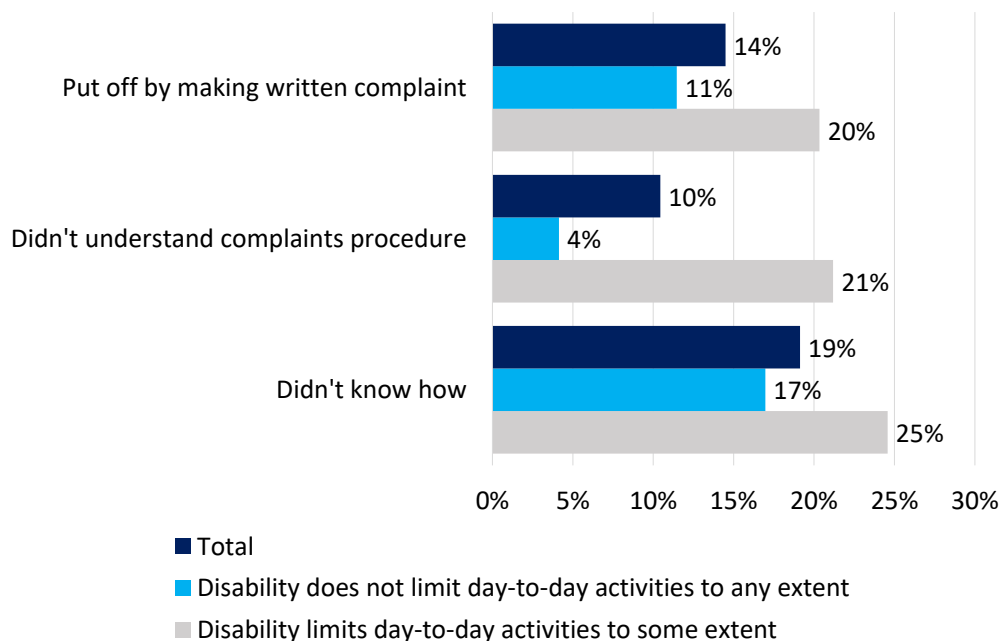
-Stakeholder

“Vulnerabilities may have an impact on other vulnerabilities e.g. informational vulnerability. For example, people with language barriers may not have access to the information that they need.”

-Stakeholder

For example, 21% of surveyed consumers with some level of disability reported that they did not understand their solicitor firm’s complaints procedure, compared to 4% of consumers who reported no limitation to day to day activities because of health and disability (Figure 23).

Figure 23 Barriers preventing consumers from making a complaint, by disability – results of the consumer survey



Note: Q7 (Premature complainants). Why didn't you raise your dissatisfaction with your solicitor before contacting the Legal Ombudsman? Please select all that apply.

Q17 (YouGov panel). Why didn't you raise your complaint with your solicitor? Select all that apply.

N = 345 [110 premature complainants; 235 respondents from YouGov panel who did not complain to their solicitor/someone else at the solicitor's office].

The research confirms that there are a number of barriers to making a complaint, particularly for vulnerable consumers. The most common barriers relate to consumers' having the confidence and information to make a complaint and in their perceptions of solicitors' fairness and likelihood of taking notice of their complaint. Clearer information about the complaints process may help consumers to better understand what to do if they are dissatisfied, and will help to reduce the barriers to making a complaint. Improved consumer understanding of how to make a complaint can provide firms with more opportunities to resolve expressions of dissatisfaction at the first tier and retain clients.

5 Identifying complaints

Key findings relating to identifying a complaint

37% of surveyed solicitor firms reported recording verbal expressions of dissatisfaction to the fee earner as a complaint, and 21% reported recording verbal expressions of dissatisfaction to another client-facing organisation member as a complaint.

However, there may be gaps in how solicitor firms record complaints. For example, 39% of firms that reported allowing clients to complain verbally in their complaints procedure and reported receiving verbal expressions of dissatisfaction also reported that they did not record verbal expressions as complaints.

93% of surveyed firms reported that they provided their staff with guidance on identifying and managing complaints.

60% of firms with 6 fee earners or more reported providing training on identifying and managing complaints, compared to an average of 51%.

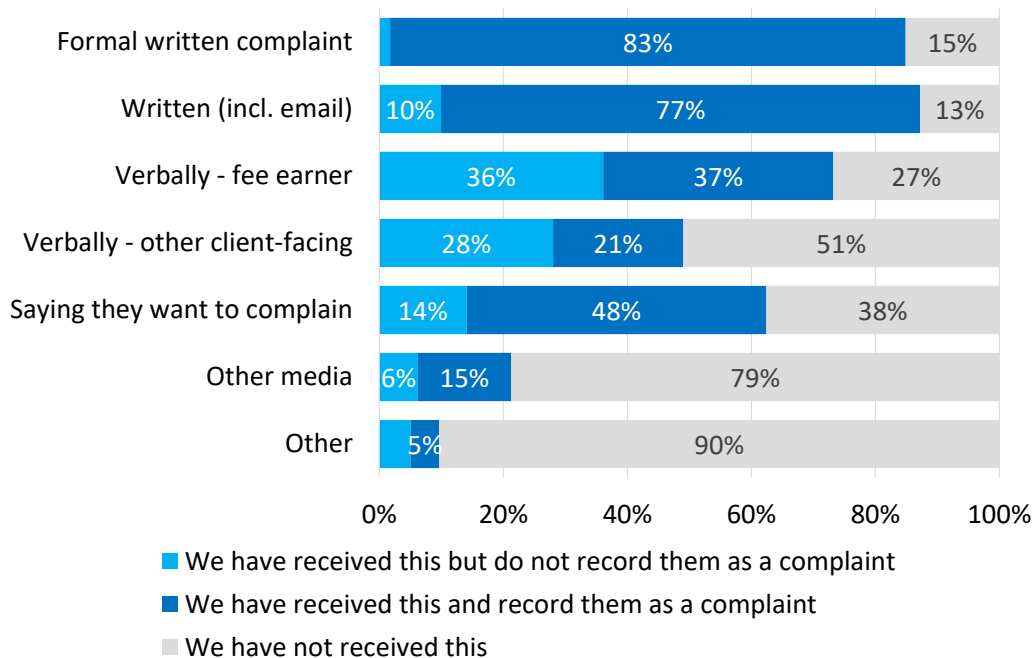
31% of firms with more than 6 fee earners had email reminders on identifying and managing complaints, compared to 16% of firms with 2-5 fee earners.

62% of surveyed ABS firms reported providing training on identifying and managing complaints, compared to 50% of non- ABS firms.

When consumers complain, there is some evidence that firms may not always register a consumer’s expression of dissatisfaction as a complaint. This means that consumers may report having complained or expressed dissatisfaction to their solicitors, while solicitors may not perceive consumers as having complained.

For example, verbal expressions of dissatisfaction may not always be recorded as complaints. Almost half of surveyed consumers reported making verbal complaints (Figure 20), but a little under two fifths (36%) of surveyed solicitor firms reported receiving verbal expressions of dissatisfaction to the fee earner, and 28% reported receiving verbal expressions of dissatisfaction to other client-facing staff, but did not record them as complaints (Figure 24). Altogether, 48% of surveyed firms reported receiving verbal expressions of dissatisfaction either to the fee earner or to a member of client facing staff, but did not record them as complaints.

Figure 24 Receiving and recording complaints – results of the firm survey

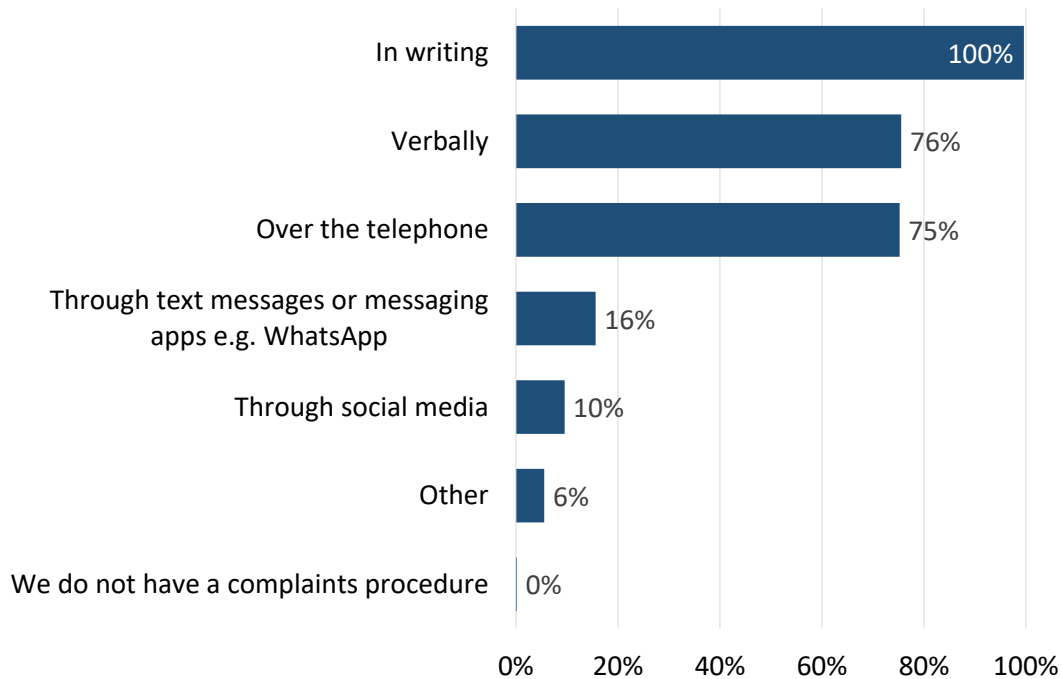


Note: Q5b.Has your organisation received any of the following and if so, does your organisation record them as a complaint or not?
Expression of dissatisfaction verbally to the fee earner

N=399 [surveyed firms reporting having ever received a complaint or expression of dissatisfaction].

There may also be gaps in the implementation of firms' procedures in recording complaints. For example, over three quarters (76%) of surveyed firms reported that their complaints procedure allowed their clients to complain verbally (Figure 25).

Figure 25 How clients can complain to firms invoking their complaints procedure – results of the firm survey

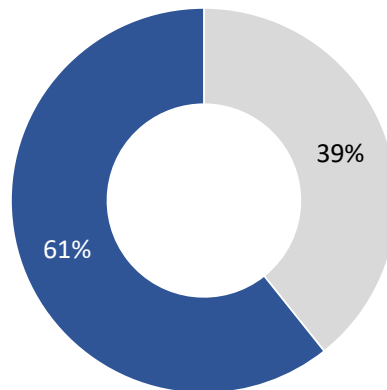


Note: Q12. Which of the following are available for your clients to make a complaint that will invoke your firm's complaints procedure? (Please select all that apply)

N=539 [all surveyed firms].

However, almost two fifths (39%) of firms that reported allowing clients to complain verbally and had also received verbal expressions of dissatisfaction reported that they did not record verbal expressions as complaints (Figure 26).

Figure 26 Whether firms allowing verbal complaints record verbal expressions of dissatisfaction as complaints – results of the firm survey



- We have received this but do not record them as a complaint
- We have received this and recorded them as a complaint

Note: Q12. Which of the following are available for your clients to make a complaint that will invoke your firm's complaints procedure? (Please select all that apply); Q5b. Has your organisation received any of the following and if so, does your organisation record them as a complaint or not? (Verbally – fee earner; Verbally – other client facing staff)

N=252 [surveyed firms that allow verbal complaints AND have received verbal expressions of dissatisfaction to the fee earner or other client-facing staff]

This suggests that there may be gaps in communicating the ways that firms' complaints procedures allow consumers to complain, and also gaps in identifying and recording expressions of dissatisfaction as a complaint. This has implications for the standard of service being provided.

Firm interviews also suggested that solicitor firms varied in how they identified complaints, as well as how they responded to complaints. For example, complaints handlers often reported that they would use their best judgment to determine what would be officially recorded as a complaint and what they feel could be handled without having to do so.

"I don't have guidelines because I've been doing it so long I just do it."

-Solicitor, Large firm

Despite this, participants felt that most of their staff were aware of the complaints handling procedure – most felt that they had quite rigorous training procedures in place to ensure staff are aware of the escalation process.

"You get a feel for identifying complaints"

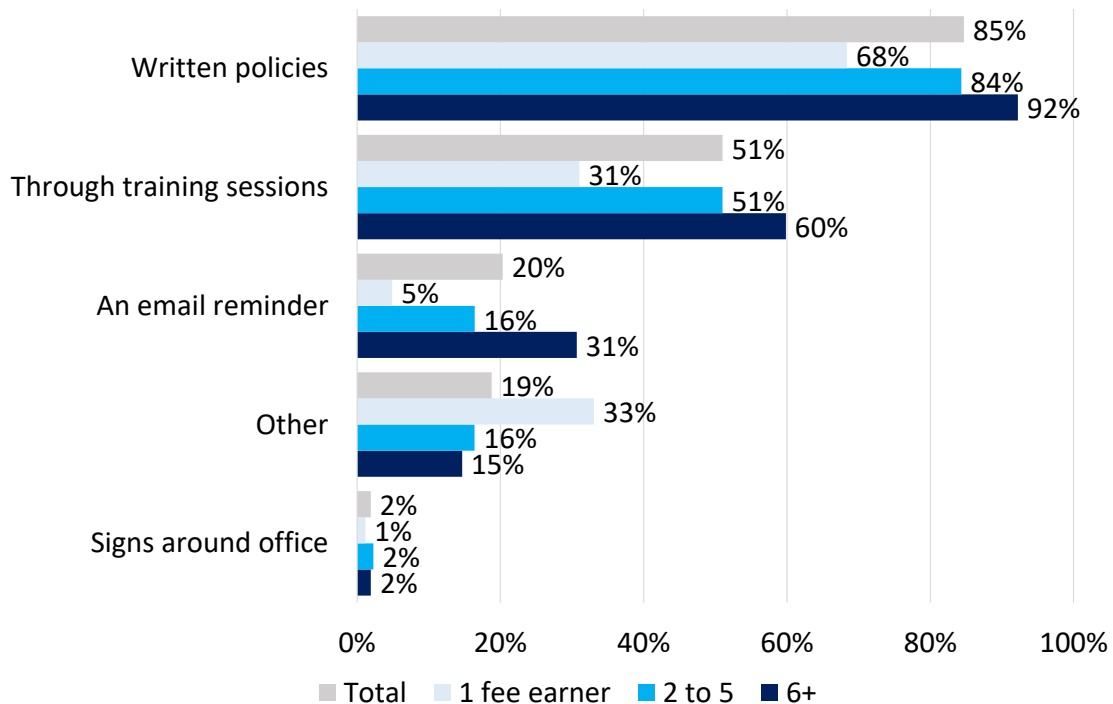
-Solicitor, Medium-sized firm

Most surveyed firms (500 out of 539) reported that they provided their staff with guidance on identifying and managing complaints in some form (Figure 27).⁶⁵ Larger firms were more likely than average to report providing training on identifying and managing complaints: 60% of

⁶⁵ Firms did not vary substantially by area of law in whether they provided guidance on identifying and managing complaints. For example, 77% of surveyed firms specialising in family law reported providing guidance to all client-facing staff, compared to an average of 75%. Similarly, 49% of surveyed firms specialising in litigation reported providing guidance to fee earners, compared to an average of 54%.

firms with 6 fee earners or more reported providing training, compared to an average of 51%. Similarly, larger firms were more likely than average to report providing written policies on identifying and managing complaints: 31% of firms with more than 6 fee earners had email reminders, compared to 16% of firms with 1 fee earner.

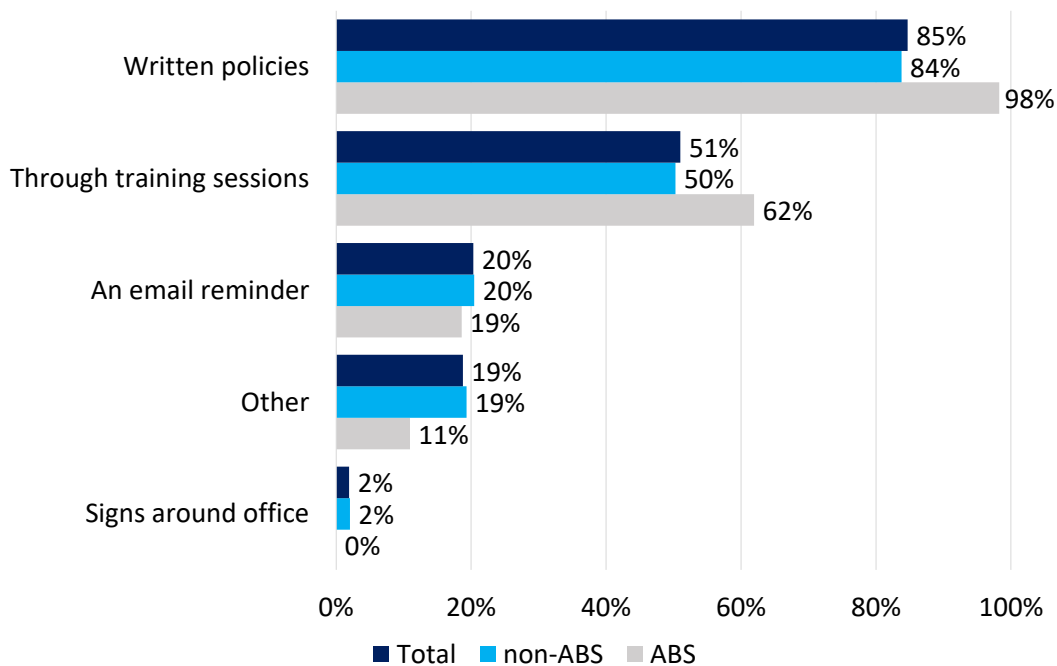
Figure 27 Communicating guidance on identifying and managing complaints by number of fee earners – results of the firm survey



Note: Q9. How is [the guidance on identifying and managing complaints] communicated to staff? (Please select all that apply)
N=500 [surveyed firms whose complaints procedure contains guidance on identifying and managing complaints].

62% of surveyed ABS firms reported providing training to staff on identifying and managing complaints, compared to 50% of non- ABS firms (Figure 28).

Figure 28 Communicating guidance on identifying and managing complaints by business structure – results of the firm survey



Note: Q9. How is [the guidance on identifying and managing complaints] communicated to staff?
N=500 [surveyed firms whose complaints procedure contains guidance on identifying and managing complaints].

However, some stakeholders and firm interviewees pointed out that solicitor firms vary regarding the detail in their complaints records, and whether all complaints get recorded. Some interviewed firms (though not all) reported that they had procedures in place around monitoring correspondence between fee earners and clients to ensure that both complaints and bad practice could not slip under the radar.

“Post is always opened by a partner so things can't be hidden. Staff are told that emails are monitored to encourage staff to report complaints.”

-Solicitor, Large firm

Interviewed firms also varied regarding how they registered complaints by type. Some reported that they treat all complaints in the same way, whereas others use compliance and risk management software (e.g. Riliance) to group them into different categories. With this in mind, it was difficult to assess the extent to which all complaints are recorded as such. Some interviewees said that all serious complaints are recorded, but interviewees felt that less serious complaints may not be reported. Some interviewed firms indicated that if a complaint seemed less serious, or easy to deal with, it would not be recorded as a complaint.

Interviewees also suggested that less serious complaints may not be recorded if clients don't know the complaints procedure. Even if the procedure is described in the client care letter, clients may

not have read it and therefore may not make a formal complaint. One solicitor, on explaining the complaints procedure at the start of the work with clients, tried to lighten the mood:

“We always tell them when we first meet them about how to complain - and we always give them a pen to start the complaint with - that always gives them a chuckle.”

-Solicitor, Medium-sized firm

“We don’t grade response as to seriousness, all complaints are dealt with in the same way and within the same time frame. If it’s dealt with informally by the person dealing with the matter / the supervisor it’s not recorded. If it’s official then it’s recorded as a complaint.”

-Solicitor, Medium-sized firm

“If it seems a bit of a moan about fees and can be sorted out quite easily that wouldn’t be recorded. But most complaints are about delays and the fact that they have lost the case. We have Riliance so my administrator classifies it into the categories they have in Riliance. We also do a massive spreadsheet of all the feedback, including complaints.”

-Solicitor, Very large firm

The research shows that firms have different ways of identifying and recording complaints, which can differ by the size and type of firm and by the type and severity of the complaint. In particular, firms differ as to whether verbal expressions of dissatisfaction to the fee-earner or other staff in the solicitor firm are recorded as complaints, especially if they are considered to be less serious. The next section looks at how firms differ in how they investigate and respond to complaints.

6 Investigating and responding to complaints

Key findings relating to investigating and responding to complaints

65% of surveyed firms had guidance on investigating complaints in their internal complaints procedure.

Almost all surveyed firms reported providing a final response within 8 weeks, but 20% of surveyed consumers reported that their solicitors’ firms took more than 8 weeks to issue their final response.

55% of surveyed firms reported providing their final response within 2 weeks, and 33% of surveyed consumers reported receiving one.

36% of surveyed firms with one fee earner reported responding to complaints within one week, compared to 16% of firms with more than 6 fee earners. In smaller firms, the sole principal, fee earner, COLP/COFA and complaints handling partner may often be the same.

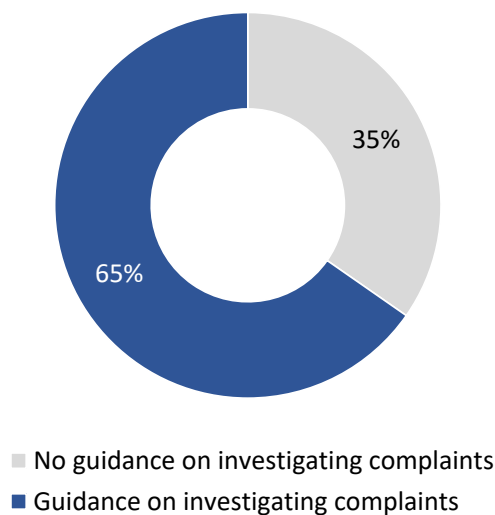
51% of surveyed firms with more than 6 fee earners reported that their complaints handling team/partners provided the initial response to a complaint, compared to an average of 34%.

Surveyed firms' top-reported barrier to effectively handling complaints was that they felt that clients sometimes had unrealistic expectations (89%) and it was hard to identify a complaint as opposed to a client 'grumbling' (53%).

6.1 What formal procedures do solicitor firms have in place to investigate and respond to complaints?

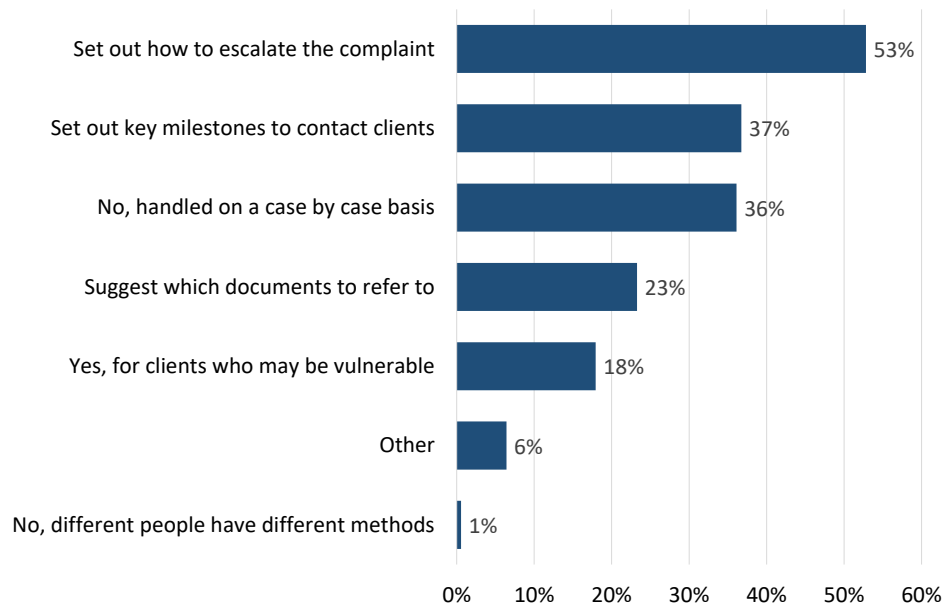
All surveyed firms reported having a complaints procedure. 65% of surveyed firms also reported that they had guidance on investigating complaints in some form (Figure 29).

Figure 29 Percentage of surveyed firms with guidance on investigating complaints – results of the firm survey



Note: Q18. Does your firm have guidelines for how the firm should investigate complaints? (Please select all that apply)
N=441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

More than half (53%) of surveyed firms reported that their complaints procedure set out how to escalate complaints, and almost two fifths (37%) of surveyed firms reported that their complaints procedure set out key milestones to contact clients (Figure 30). Contacting clients at key milestones may be an important component of investigating and responding to complaints, since consumers frequently reported clear and frequent communication among their key expectations (Figure 7).

Figure 30 Guidance on investigating complaints – results of the firm survey

Note: Q18. Does your firm have guidelines for how the firm should investigate complaints? (Please select all that apply)
N=441 [all surveyed firms who have ever received a complaint or expression of dissatisfaction].

“We teach our heads of department and we roll it out to our staff. When I joined there was a head of complaints but people felt they could just throw the complaints at him and wipe their hands of them. But now I teach the heads of department to be involved - the first level of our complaints procedure is to sort it at a departmental level”

Solicitor, Very large firm

Solicitor firms also varied regarding who investigated complaints and how they were investigated.

Some interviewees highlighted that it was important to embed complaints handling within firms, at high levels of the organisation. Previous research has identified that when firms provide excellent customer care, they frequently stress that it is important to communicate a culture of excellent customer service from the top.⁶⁶

For example, one of the interviewed solicitors (from a very large firm) reported that she involved departmental heads in the first stage of their investigation. This may be a product of the size of the firm, but it also stemmed from her appetite for department heads to be involved in the process, and not to ‘park’ complaints elsewhere.

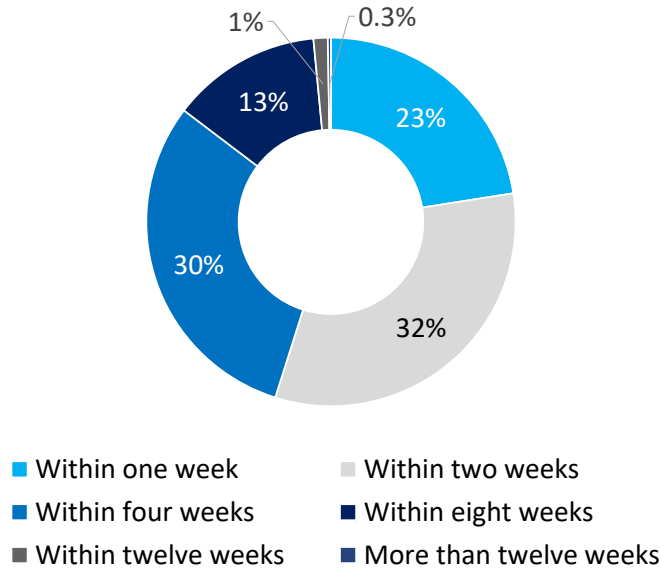
In addition, there is evidence that firms may be more likely to provide guidance on investigating complaints if they have experience of second tier complaints. For more details, see Section 8.

⁶⁶ See, for example, London Economics and Risk Solutions (2016), Vulnerability Focus Report, prepared for Ofwat.

6.2 How long do firms take to respond to complaints?

The results of both surveys suggest that firms and consumers have different perceptions of the time taken to respond to complaints. Solicitor firms have up to eight weeks to issue their final response before the Legal Ombudsman can investigate (Legal Ombudsman Scheme Rules)⁶⁷ which almost all surveyed firms reported doing (Figure 31).

Figure 31 Firms' reported time taken to respond to complaints – results of the firm survey



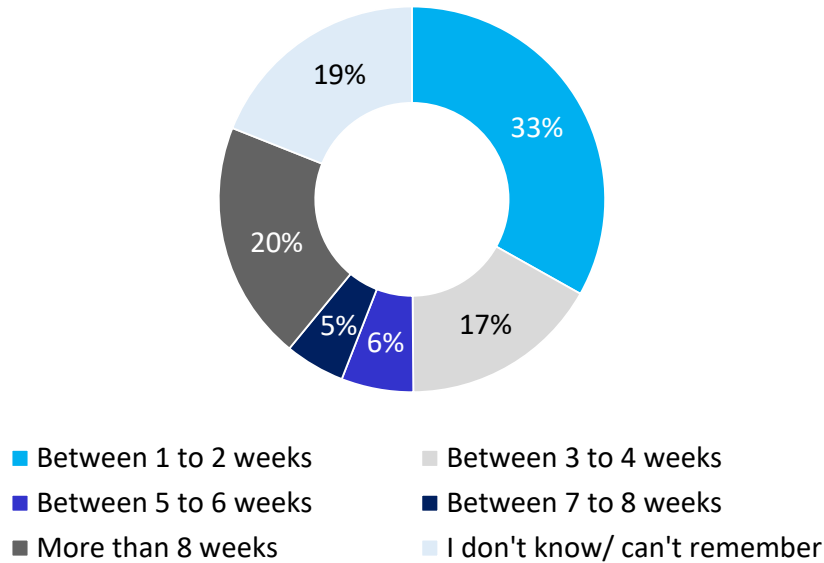
Note: Q17. In your firm, what is the average time taken to provide the final response to the complaint?
N=452 [surveyed firms that have ever received a complaint]

However, 20% of surveyed consumers reported that their solicitors' firms took more than 8 weeks to issue their final response (Figure 32).⁶⁸

⁶⁷ <http://www.legalombudsman.org.uk/downloads/documents/publications/Scheme-Rules.pdf> accessed 27th September 2017

⁶⁸ Surveyed consumers did not report substantially different response times depending on the areas of law or consumer characteristics e.g. age, disability etc.

Figure 32 Consumers' reported time taken to receive a response – results of the consumer survey



Note: Q16 (Premature complainants) and Q9 (YouGov panel). How long did it take for your solicitor/ solicitor's firm to give their final response to your complaint?

N = 896 [467 premature complainants whose solicitor/solicitor's firm responded to their complaint; 429 respondents from YouGov panel whose solicitor responded or who are not in the waiting period].

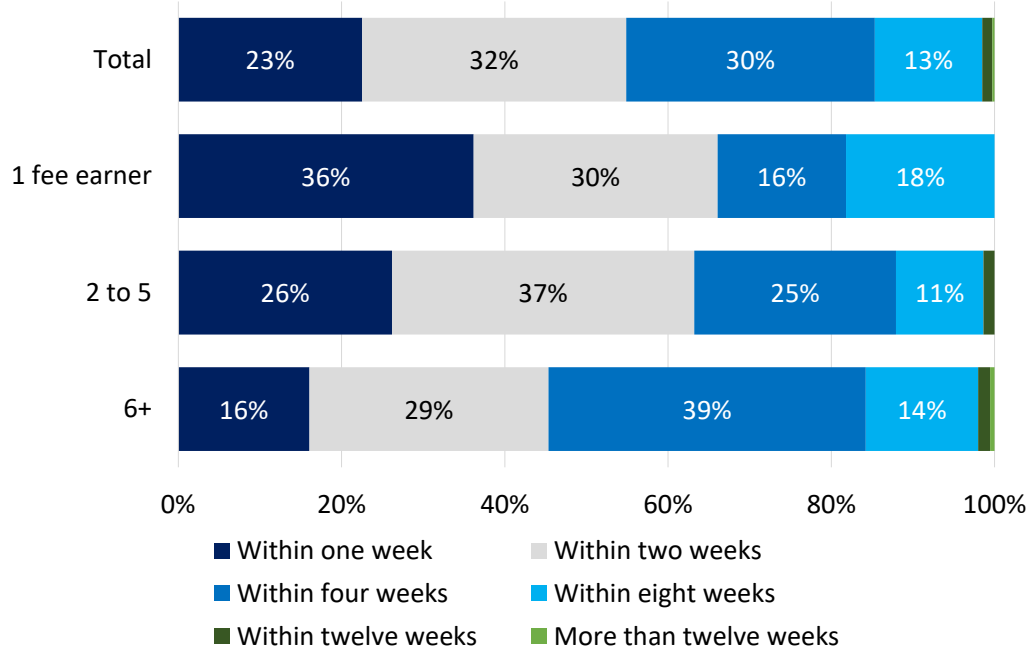
This gap in perception may be related to a previously discussed issue: solicitor firms may not always identify when a consumer's expression of dissatisfaction is a complaint (see Section 5). This means that consumers may have raised dissatisfaction and expected a response. But firms may not recognise this as a complaint, and may not respond formally, believing the matter to be resolved. In fact, solicitor firms reported that a key barrier to handling complaints effectively was identifying when a consumer was complaining, as opposed to 'grumbling' (Figure 35). For more details on firms' barriers to complaints handling, see Section 6.3.

When solicitors respond to complaints, consumers may not recognise that they have received a final response. For example, consumers may not understand the language that solicitors use when providing their final response to a complaint. If solicitors do not explicitly describe the response as a 'final response', consumers may not be clear that they have reached the end of the firm's complaints process and can escalate their complaint to the second tier if they remain unhappy.

In addition, stakeholders have pointed out that some consumers can be disempowered when they receive letters as opposed to a telephone call or a face-to-face meeting offering an explanation or a discussion. Some firms offer complainants the option of a telephone call or a meeting to either find out more about their complaint or to try to resolve the complaint. Some firms will respond to the complainant using the same method that the complaint was made, that is, if the complaint was made by email, the firm responds by email.

Smaller solicitor firms, for example, sole practitioners, may be more likely respond faster than larger firms. For example, 36% of surveyed firms with one fee earner reported responding to complaints within one week, compared to 16% of firms with more than 6 fee earners (Figure 33).

Figure 33 Time taken to respond to complaints by number of fee earners – results of the firm survey



Note: Q17. In your firm, what is the average time taken to provide the final response to the complaint?
 N=452 [surveyed firms that have ever received a complaint]

“[In larger firms] complaints may get overlooked and snowball, whereas with smaller firms complaints [often] get picked up and dealt with in a timely manner.”

-Stakeholder

One reason that smaller firms may be able to deal with complaints in a timely manner may be that complaints are frequently assessed and responded to by the fee earner who may be more familiar with the context of the complaint. Four fifths (80%) of surveyed firms with 1 fee earner reported that the sole principal provided the initial response to a complaint (Figure 34). Larger firms also tend to handle more legal work, or matters: for example, 19% of firms with 6 fee earners or more handled more than 400 matters in the last financial year,

compared to 1% of firms with 1 fee earner. Similarly, 91% of firms with 1 fee earner handled 1 – 200 matters in the last financial year, compared to 7% of firms with 6 fee earners or more.

However, while smaller firms may respond to complaints more promptly than larger solicitor firms, consumers may face barriers to complaining when the fee earner is handling their complaint. For example, consumers may not be confident that the same individual who carried out their work can handle a complaint fairly (Figure 21).

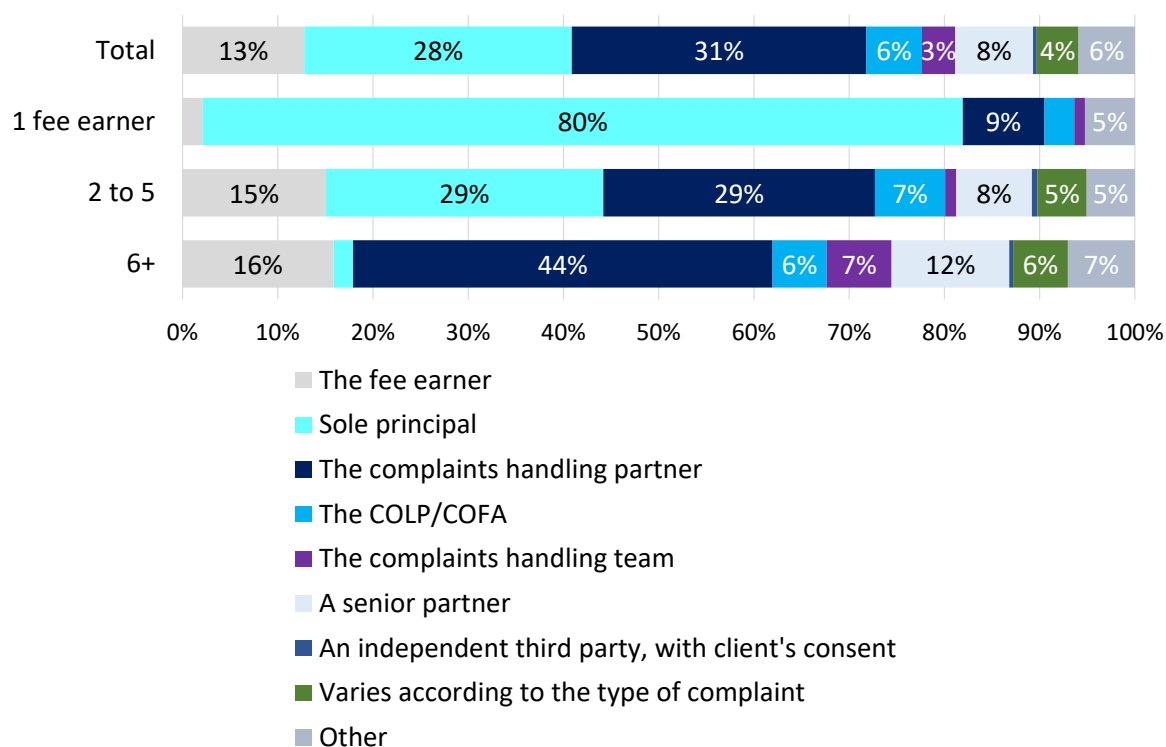
Stakeholders have pointed out that one way to address this concern is to use independent organisations to respond to complaints, but relatively few surveyed firms (approximately 0.4%) reported using independent third parties to provide either the initial assessment or response to complaints.

However, it should be noted that while firms have the option of using independent assessors, there is a cost to doing so and it is not a requirement.

Another way to address consumers’ concerns about independence might be to provide clear and timely information about firms’ complaints procedures, and to signpost consumers to the Legal Ombudsman as an independent body for second tier complaints. There is evidence that firms may provide more timely information regarding the Legal Ombudsman if they have had experience of complaints being escalated to second tier (see Section 8.2).

“I am a Sole Practitioner with one member of my staff who is not qualified. I answer calls and deal with clients and correspondence. If anyone were to complain about my firm's services they would deal with me and I would deal with it.....”

-Firm survey, Medium-sized firm

Figure 34 Initially responding to a complaint – results of the firm survey

Note: Q16. In your firm, who initially responds to a client about their complaint?
N=539 [surveyed firms with a written complaints procedure].

6.3 What barriers do firms report when handling complaints?

Solicitors can face barriers to handling complaints effectively and using complaints information to change service mechanisms. For example, solicitor firms may not always have the resources needed to train staff, identify and manage complaints. This issue has been raised in other sectors, for example online sales/e-commerce (Accenture, 2015⁶⁹). Another barrier is that consumers may be dissatisfied if they are disappointed with the outcome of their case, costs or time taken – but these can be out of the control of solicitor firms. In fact, almost nine tenths (89%) of surveyed solicitor firms reported that their clients' 'sometimes unrealistic

"People expect solicitors will do exactly what they say, or exactly what they want, which might be unrealistic...often have to balance expectations, [remind consumers] that solicitors are not 'godlike'."

-Stakeholder

⁶⁹ Accenture (2015), 2015 B2B Customer Experience

expectations’ were a barrier to handling complaints (Figure 35).⁷⁰ However, solicitor firms may be able to manage expectations by providing an explanation of the circumstances of the case and the actions that solicitors have taken (see Figure 37), as well as clear information about the complaints procedure.

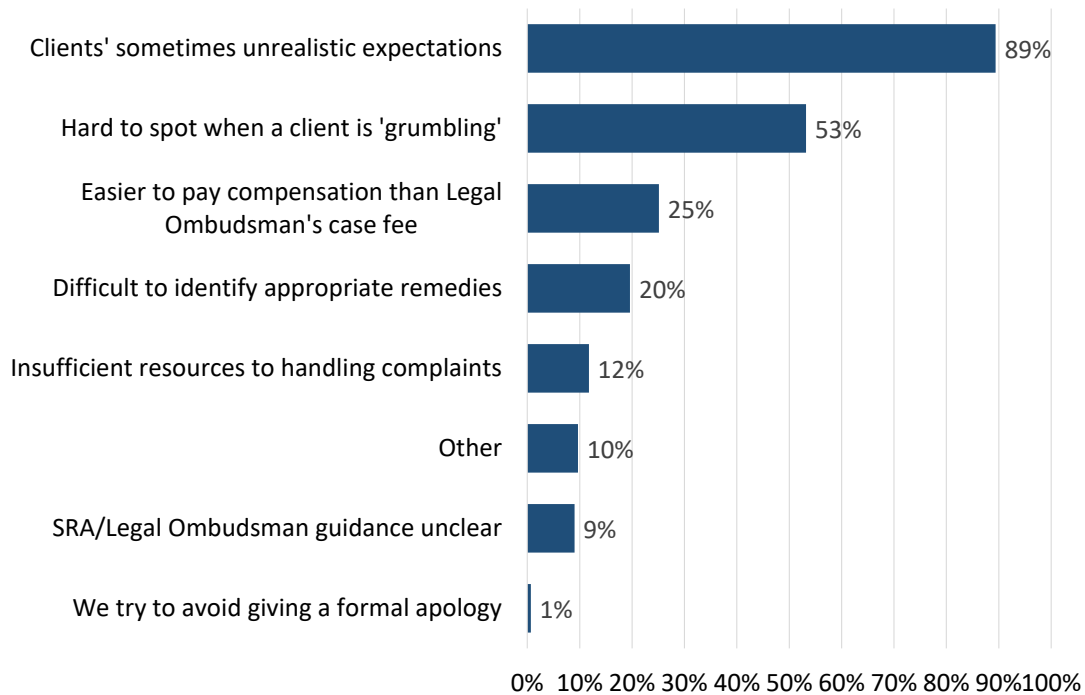
More than half (53%) of surveyed firms reported that another key barrier to handling complaints was that it was hard to spot when a client was ‘grumbling’, rather than expressing a complaint that they wanted the solicitor to resolve.

Stakeholders have pointed out that firms may experience difficulties understanding the underlying reasons that consumers have made complaints, which in turn makes it difficult to identify the appropriate remedy.

“Firms might not understand particular clients: why complaints are made.... Especially for people with e.g. learning difficulties. It takes time, skill or training to unpick. E.g. a complaint may seem personal, but may actually be about being unlistened to or not understanding the process.”

-Stakeholder

Figure 35 Solicitor firms’ barriers to handling complaints – results of the firm survey



Note: Q29. Which of the following most frequently cause difficulties when handling complaints? (Please select up to three).
N=441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

⁷⁰ Top-reported barriers did not vary substantially across firm size. For example, 86% of firms with one fee earner, and 93% of firms with 26 or more fee earners, reported that clients’ sometimes unrealistic expectations were a barrier to handling complaints. Similarly, 50% of firms with one fee earner, and 51% of firms with 26 or more fee earners, reported that it was hard to identify when a client was expressing dissatisfaction that could turn into a complaint, or when the client was ‘grumbling’.

However, as the next section shows, most surveyed consumers (83%) reported that when they expressed dissatisfaction, they were making a complaint to which they expected a resolution, and only 2% of surveyed consumers indicated that they expected no response (Figure 36).

All solicitor firms have a complaint procedure and most had guidance for how their firm should investigate complaints. The guidance was usually aligned with the Legal Ombudsman for response timescales when the complaint is recorded, especially for smaller firms. Consumers perceive response timescales differently, which could be because they calculate the length of time from their initial expression of dissatisfaction rather than when a complaint is recorded as such by their solicitor firm. Firms may find it hard to know when an expression of dissatisfaction needs a resolution, especially when consumers have particular needs or have difficulty communicating the reason for their complaint. Section 7 explores further how this affects how complaints are resolved, and Section 8 outlines firms' attitudes to improving complaints handling by being empathetic and providing a tailored response to consumers wherever possible.

7 Resolving complaints

Key findings relating to resolving complaints

83% of surveyed consumers expected their solicitors to act on their expressions of dissatisfaction as a complaint.

Surveyed consumers most frequently reported wanting an explanation (58% of surveyed consumers), an apology (39%) or an agreement to progress their work (35%) to resolve their complaints.

36% of surveyed consumers reported that their complaint had been resolved.

23% of consumers complaining about family matters and litigation reported that their complaint had been resolved, compared to an average of 36%, and 55% of surveyed will writing consumers.

23% of surveyed consumers whose day-to-day activities were at least somewhat limited by disability reported that their complaint had been resolved, compared with 43% of consumers whose activities were not limited by disability.

44% of surveyed consumers whose complaint had not been resolved had taken, or planned to take, their complaint further.

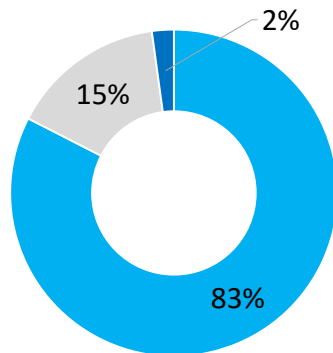
57% of consumers who did not want to pursue their complaint further reported that they didn't think it would be worth it or they thought that it would be stressful (34%).

Stakeholders, consumer and firm interviewees often stressed the importance of using 'plain English' and communicating a remedy in simple language.

7.1 What do consumers *want* firms to do when they complain?

Some firm interviewees pointed out that they identify and manage complaints differently depending on whether they believe that the consumer is 'grumbling' or whether the complaint is serious. 15% of surveyed consumers reported expressing dissatisfaction to simply comment on the service they had received, but more than four fifths (83%) of surveyed consumers expected their solicitors to act on their expressions of dissatisfaction (Figure 36).

Figure 36 Consumers' expectations when they express dissatisfaction – results of the consumer survey



- It was a complaint that I wanted them to take action on/ resolve
- It was a general comment that I hoped would improve the service
- It was a general comment that I did not expect any response to

Note: Q6a. What did you expect when you first raised your dissatisfaction?

N = 1,671 [1,112 premature complainants who expressed dissatisfaction to their solicitors; 559 respondents from YouGov panel who expressed dissatisfaction to their solicitors].

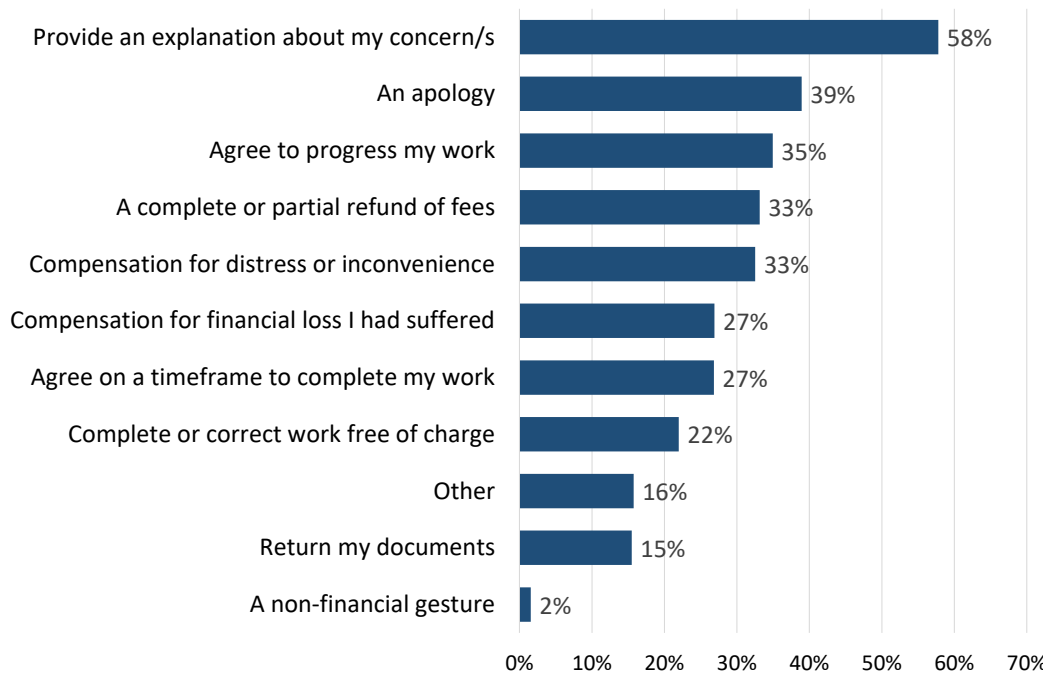
“Clear explanations of the process are important: this is the issue/this is what we’re going to do/this is the timeframe.”

-Stakeholder

When consumers wanted solicitors to resolve their complaints, they most frequently reported wanting an explanation (58% of surveyed consumers) and an apology (39%) (Figure 37). These are also the remedies that firms reported as being successful in resolving complaints (Figure 39).

This suggests that consumers' dissatisfaction may often be resolved by providing clearer and/or more regular communication. This is in line with consumers' most frequently reported key expectations, relating to clear information and regular communication (Figure 7).

Figure 37 What consumers wanted solicitor firms to do to resolve their complaint – results of the consumer survey



Note: Q8 (Premature complainants) and Q7 (YouGov panel). What did you want your solicitor/ solicitor's firm to do to address your complaint? Please select all that apply

N = 1,156 [805 premature complainants who wanted their solicitor to take action/resolve their complaint; 351 respondents from YouGov panel who wanted their solicitor to take action/resolve their complaint].

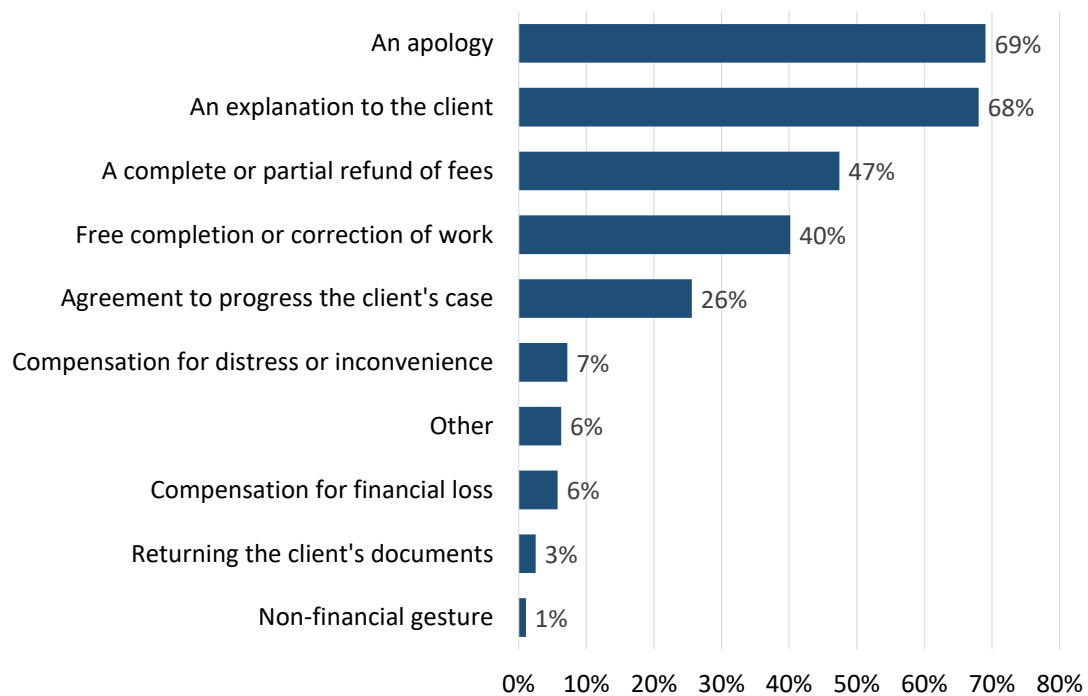
7.2 What remedies do firms offer?

“Often a conversation about [consumers’] concerns will resolve the issue and consumers won’t want to complain.”

-Stakeholder

An explanation or apology were the most frequently reported remedies offered to consumers. 69% of surveyed firms reported offering an apology to resolve complaints, and 68% reported offering an explanation (Figure 38). An explanation or apology were also the top reported remedies successfully resolving both formal and informal complaints (Figure 39).

Explanations or apologies also frequently resolved the complaints of surveyed consumers who said that they wanted other solutions, even financial remedies. For example, 23% of surveyed consumers who wanted compensation for distress, inconvenience or financial loss reported that an explanation or apology resolved their complaint to their satisfaction. This suggests that there can be a financial case for good complaints handling (discussed in more detail in Section 8).

Figure 38 Remedies most frequently offered by solicitor firms – results of the firm survey

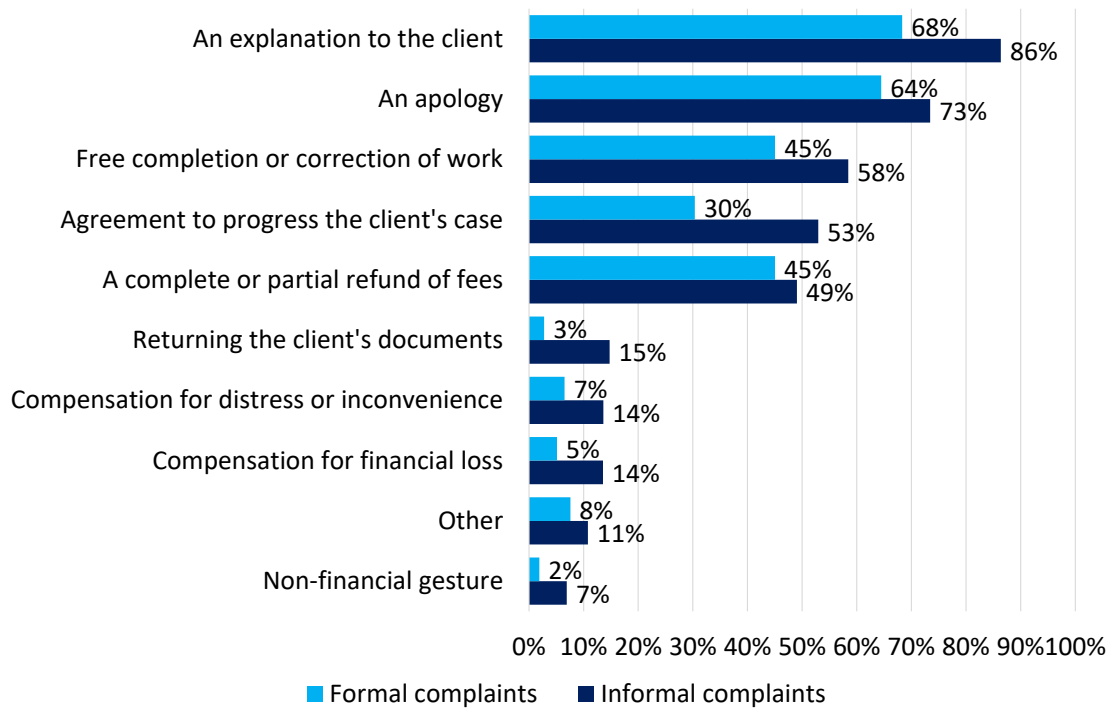
Note: Q21. What remedies does your firm most frequently offer to try to resolve complaints? (Please select your top three)
N=441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

"If it's something very simple I might deal with it immediately. If it's something simple such as a name being misspelt we deal with it with a bunch of flowers."

-Solicitor, Medium-sized firm

The tone of communication with consumers is also important in resolving complaints. Interviewed solicitor firms pointed out that a much more friendly approach can pay dividends – and can often prevent complaints from escalating further. One participant ran a practice in a rural area, and appreciated the potentially damaging effects of an escalated complaint on her local reputation. Her response was to be much more open and apologetic than seemed to be the case in other, larger, firms.

Figure 39 Remedies that resolve informal and formal first tier complaints – results of the firm survey



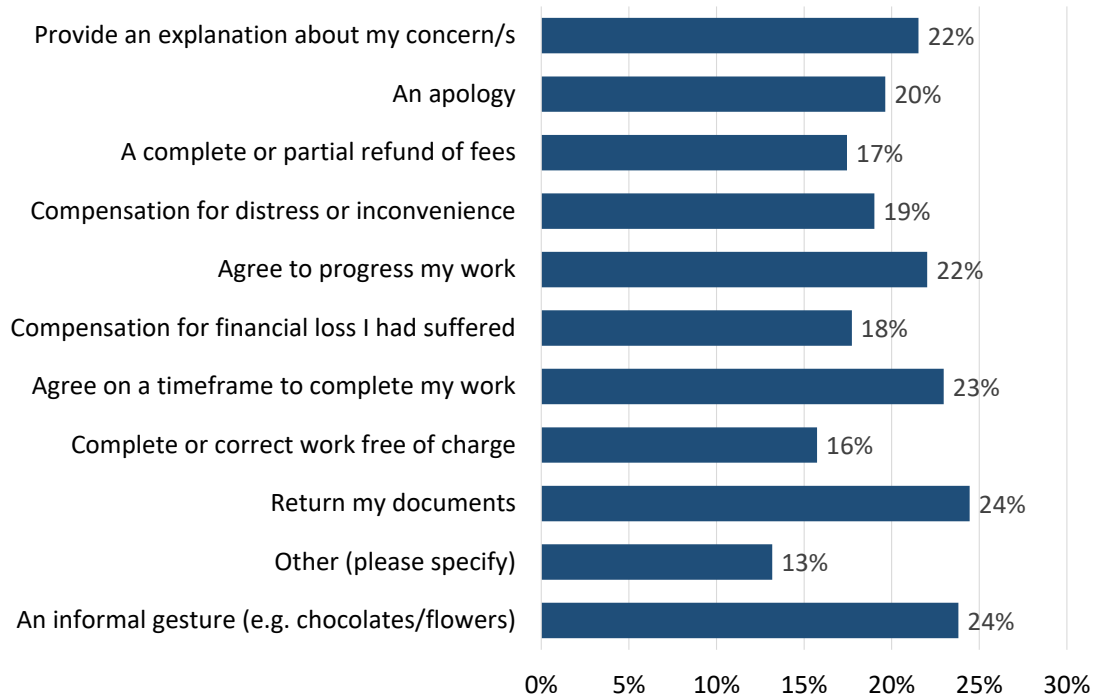
Note: Q10. When an expression of dissatisfaction does not progress into the complaints procedure, how is it handled? (Please select all that apply)

Q22. What are the top three remedies that lead to the complaint being resolved within your firm? (Please select your top three) (Please select your top three)

N=441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

However, there may be a mismatch between the remedies that firm report providing, and the remedies that consumers report receiving to resolve their complaints, as only 22% of consumers who reported wanting an explanation reported receiving one, and 23% of consumers who wanted an apology said they received one (Figure 40).

Figure 40 Percentage of consumers who received the remedy they said they wanted from their solicitors – results of the consumer survey

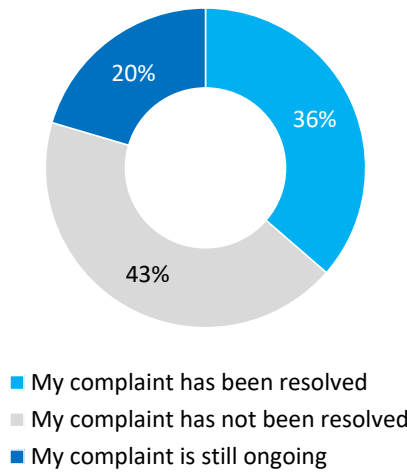


Note: Q8 (Premature complainants) or Q7 (YouGov panel). What did you want your solicitor/ solicitor's firm to do to address your complaint? Please select all that apply, CROSSED WITH Q9 (Premature complainants) or Q8 (YouGov panel). Which of the following best describes your solicitor's/ solicitor's firm's response when you expressed your complaint? Please select all that apply

N= 808 [respondents who wanted an explanation]; N = 545 [respondents who wanted an apology]; N = 470 [respondents who wanted a refund]; N = 468 [respondents who wanted compensation for distress or inconvenience]; N = 463 [respondents who wanted an agreement to progress their work]; N = 395 [respondents who wanted compensation for financial loss]; N = 370 [respondents who wanted an agreement on a timeframe to progress their work]; N = 305 [respondents who wanted free completion or correction of their work]; N = 229 [respondents who wanted their documents returned]; N = 21 [respondents who wanted an informal gesture]; N = 220 [respondents who wanted other remedies].

A little under two fifths of consumers (36%) reported that their complaints had been resolved, and a little over two fifths (43%) reported that their complaints had not been resolved (Figure 41). The remaining complaints were ongoing at the time of the survey.

Figure 41 Percentage of consumers who reported that their complaint had been resolved to their satisfaction – results of the consumer survey

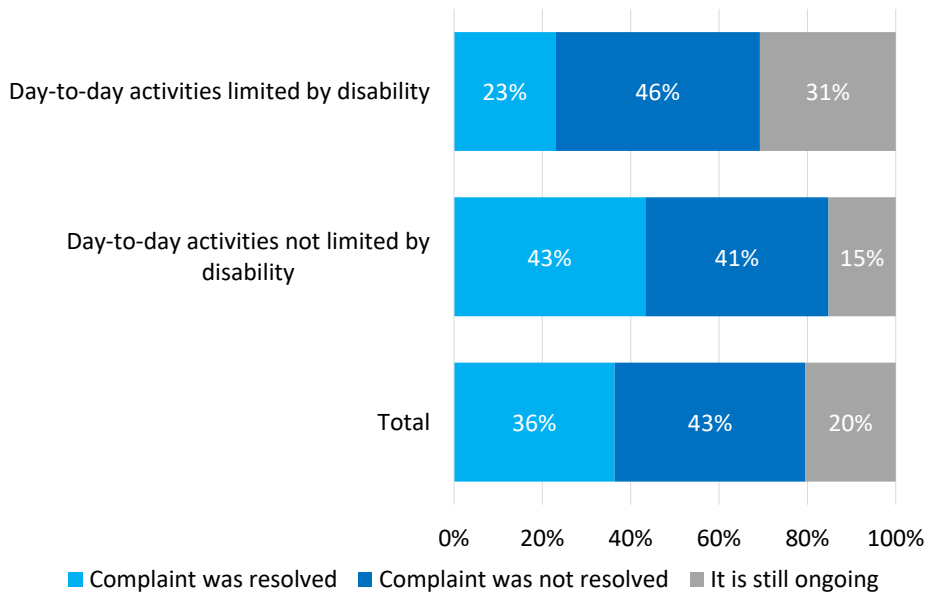


Note: Q18 (Premature complainants) and Q11 (YouGov panel). Has your complaint been resolved to your satisfaction by your solicitor/solicitor's firm?

N = 896 [467 premature complainants whose solicitors responded to their complaint; 429 respondents from YouGov panel whose solicitors responded to their complaint].

23% of surveyed consumers whose day-to-day activities were limited at least somewhat by disability reported that their complaint had been resolved, compared with 43% of consumers who reported no such limitation (Figure 42). A larger proportion of complaints by consumers with some disability were ongoing. Of those complaints that were not ongoing, two-thirds had not been resolved, compared to about half for those consumers with no disability.

Figure 42 Percentage of consumers who reported that their complaint had been resolved to their satisfaction, by disability – results of the consumer survey

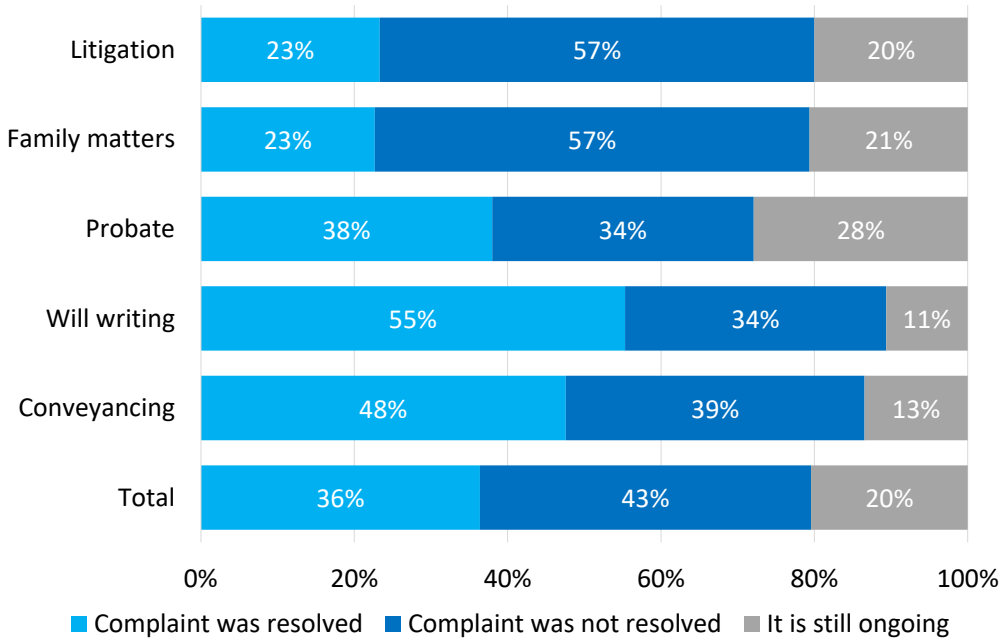


Note: Q18 (Premature complainants) and Q11 (YouGov panel). Has your complaint been resolved to your satisfaction by your solicitor/ solicitor's firm?

N = 896 [467 premature complainants whose solicitors responded to their complaint; 429 respondents from YouGov panel whose solicitors responded to their complaint].

There was some difference in resolved complaints between different areas of law, as 23% of consumers complaining about family matters and litigation reported that their complaint had been resolved, compared to an average of 36%, and 55% of surveyed will writing consumers (Figure 43).

Figure 43 Percentage of consumers who reported that their complaint had been resolved to their satisfaction, by area of law – results of the consumer survey

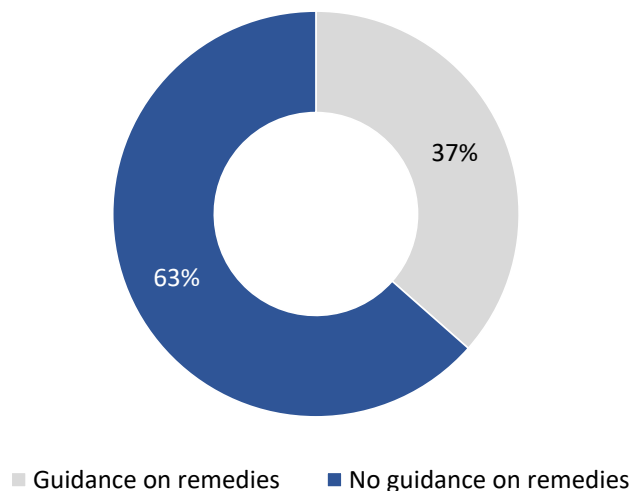


Note: Q18 (Premature complainants) and Q11 (YouGov panel). Has your complaint been resolved to your satisfaction by your solicitor/solicitor's firm?

N = 896 [467 premature complainants whose solicitors responded to their complaint; 429 respondents from YouGov panel whose solicitors responded to their complaint].

Solicitors may be better able to offer appropriate remedies if they have internal guidance on remedies in their complaints procedure. However, solicitor firms varied substantially regarding their policies regarding remedies. For example, more than three fifths (63%) of surveyed firms reported that they did not have guidelines for appropriate remedies in their complaints procedure (Figure 44).

Figure 44 Percentage of firms with guidance on appropriate remedies in their internal complaints procedure – results of the firm survey

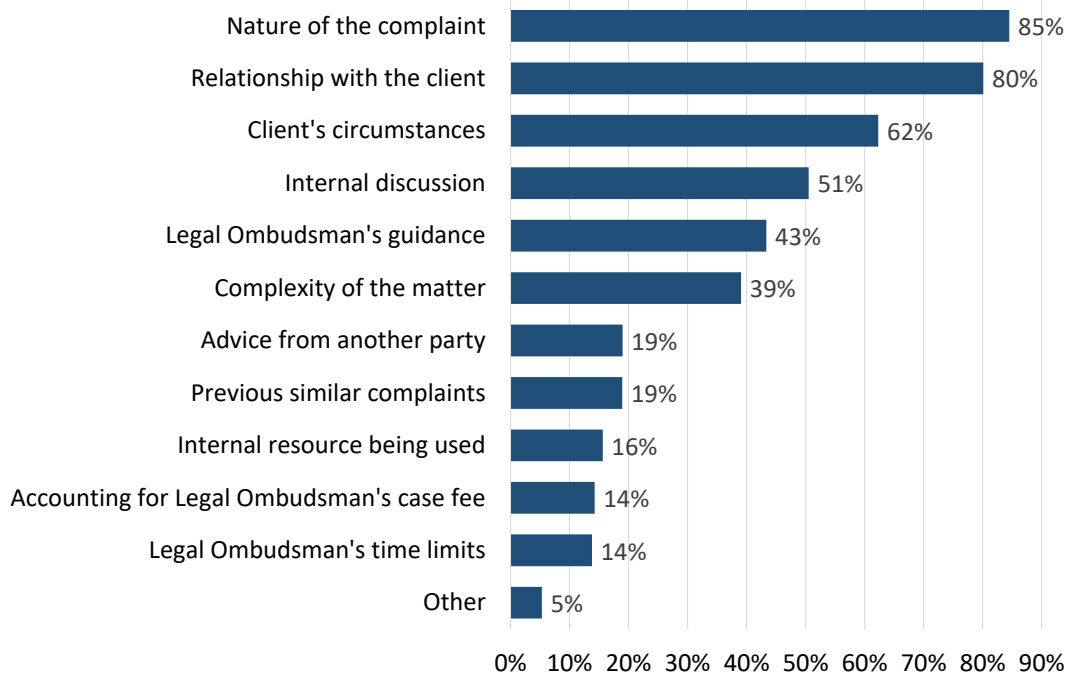


Note: Q19. Does your firm's complaints procedure set out guidelines for appropriate remedies?

N = 539 [All surveyed firms].

85% of surveyed firms reported that the nature of the complaint would decide the remedy, and four fifths (80%) reported that their relationship with the client was a key factor in deciding the remedy (Figure 45). The client's circumstances were also an important factor taken into consideration.

Figure 45 Key factors when deciding an appropriate remedy – results of the firm survey



Note: Q20. How important do you consider the following to be when deciding on the appropriate remedy? (Please select your top five)
N = 539 [All surveyed firms].

Two fifths of surveyed firms (43%), as well as firm interviewees, reported that Legal Ombudsman guidance and investigations were key factors in deciding appropriate remedies.

“Yes [Legal Ombudsman guidance is a key factor in handling complaints], I would say if you go back to when I first started practice it's changed dramatically - it's much more structured. Because you need a paper trail for the Legal Ombudsman. Now I follow up with clients or provide an apology whereas one time I might have just put the phone down.”

-Solicitor. Medium-sized firm

“If I agree with the client that we've not done as well as we should then I'll look at reducing or refunding the bill then I'll look at the Legal Ombudsman's guidelines to see what they would award.”

-Solicitor, Medium-sized firm

This suggests that firms draw on their experience and some guidance to tailor their response to the individual consumer, rather than having a set way of responding, or trying to resolve, complaints. Solicitor firms using consumer feedback may be able to better understand consumer expectations, and modify complaints procedures to better identify appropriate remedies (see Section 8 for more details).

In addition, consumers may not always understand the way that solicitor firms communicate remedies e.g. explanations.

For example, if an explanation is provided in language that consumers find too complex, they may not register that they have received a remedy and feel their complaint is still unresolved.

“Many firms stumble on basics like acknowledging complaints. In addition, many firms use the wrong tone: defensive, using legal jargon or e.g. 8-page emails using complex terminology, which clients can find intimidating.”

-Stakeholder

“Solicitors can confirm information in a letter, but making personal contact [is] more important for enablement of service users.”

-Stakeholder

“[I’d like to] get something in plain English, outlining the best case and worst case scenarios, [with]step by step instructions on what to do if you want to make a complaint and help to get it right in the beginning.”

- Consumer, Personal Injury

Stakeholders have pointed out that consumers may not always understand, or may be intimidated by, lengthy written or emailed communication and some consumer interviewees found the language and information about complaints provided by firms was too complex.

A number of interviewed firms also pointed out the importance of using ‘plain English’ in their communication.

Some consumer interviewees reported that their firms had sent ‘threatening’ or ‘bullying’ responses, which often magnified the stress or harm that they had already experienced through their legal issue. This can either raise barriers for consumers, or conversely make them more likely to pursue complaints which could have been resolved at first tier. The SRA has recently issued a Warning Notice telling solicitors to make sure that communication is always professional, lawful and does not cause offence⁷¹.

Many firm interviewees recognised the importance of having an open, tactful and empathetic approach, being mindful that their tone and language in complaint responses does not come across as defensive.

“The most important thing is to understand the essence of the complaint and to sympathise with it..... You need to have a tactful and calm demeanour when dealing with a situation.”

-Solicitor, Large firm

“[We] get compliments from clients, who are pleased that the letters are in plain English and everything has been explained well.

Some do not understand. Our job is to communicate and get across complex issues...whether written or verbally.

[We] have always tried to write plainly. When [we] are asked for advice, [we] clearly explain the options available to someone. We take into account that not everyone has the same education and experience.”

- Solicitor, Very small firm.

⁷¹ <https://www.sra.org.uk/solicitors/code-of-conduct/guidance/warning-notices/Offensive-communications--Warning-notice.page> (accessed 6.10.17)

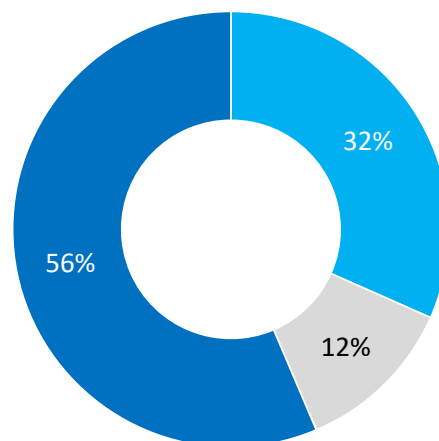
7.3 Proceeding with unresolved complaints

Almost three fifths (56%) of consumers whose complaint had not been resolved said that they did not plan to take their complaint further (Figure 46). Those that do, or plan to, take it further have the option of going to the Legal Ombudsman for a complaint about the firm’s service; going to court for a negligence claim; going to the SRA for a misconduct issue; and some firms engage with ADR providers.

“[Firms should] be less defensive - it's dealt with as a litigious issue – ‘you're complaining so what can we say in our defence?’ There’s little appetite to look again at the issue. The complaints handler tends to be prototypically a litigation partner who sees it as his job to reject complaints until the cows come home rather than taken an even handed approach and say that ‘we did mess up in this case’ - the default position is that the client did wrong.

-Solicitor, Large firm

Figure 46 Percentage of consumers reporting that they had taken, or planned to take, their complaint further – results of the consumer survey



■ Yes, I plan to take it further ■ Yes, I have taken it further ■ No

Note: Q21 (Premature complainants). Have you taken, or do you plan to take, your complaint any further?

Q13 (YouGov panel). Have you taken, or do you plan to take your complaint any further?

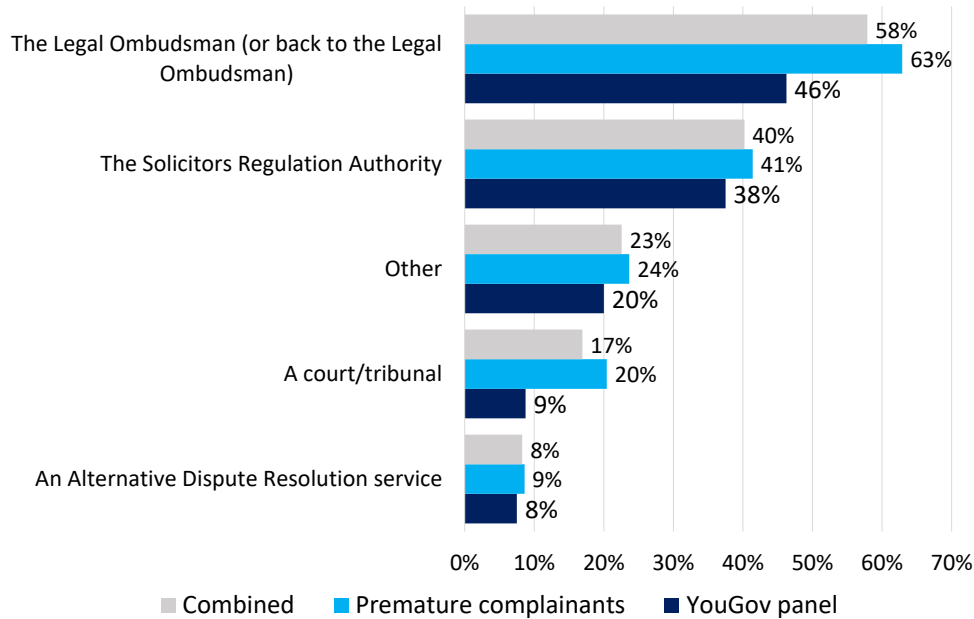
N = 610 [319 premature complainants whose solicitors did not respond to/resolve their complaint; 291 respondents from YouGov panel whose solicitors did not respond to/resolve their complaint].

7.3.1 If consumers proceed, why and to whom?

When surveyed consumers chose to take their complaints further, 58% of them reported taking the complaint to (or back to) the Legal Ombudsman, and 40% of them reported taking it to the SRA

(Figure 47). Premature complainants were more likely than respondents from the YouGov panel to report that they would go back to the Legal Ombudsman – 63% of premature complainants reported that they would compared to 46% of dissatisfied consumers from the YouGov panel. Premature complainants were also more likely than average to report that they would pursue their complaint at a court or tribunal with 20% saying they would, compared to 9% of respondents from the YouGov panel. This may be because the premature complainant respondents were more likely to have had personal injury or family law matters, meaning they are likely to have more experience of the courts.⁷²

Figure 47 Where consumers report pursuing their complaints – results of the consumer survey



Note: Q21 (Premature complainants) and Q14 (YouGov panel). Have you taken, or do you plan to take, your complaint to any of the following? Please select all that apply

N = 266 [186 premature complainants who were planning to take their complaint further; 80 respondents from YouGov panel who were planning to take their complaint further].

The difference between the two groups of respondents may also be related to their different levels of knowledge about the Legal Ombudsman, and the different organisations relevant to first tier and second tier complaints.

⁷² 16% of premature complainants reported that the legal service with which they were dissatisfied was in personal injury, and 15% reported that the service was in family matters.

Consumers' top reported reasons for pursuing their complaints further were that they thought it was the only resolution (48% of surveyed consumers) and that their solicitor didn't investigate their

“When complaints progress further than first tier (second or third), it is often because of the wrong tone, or because the firm keeps making the same mistakes e.g. continuing to use a defensive tone, or not acknowledging queries or complaints.”

-Stakeholder

complaint (32% of surveyed consumers) (Figure 40). 28% of surveyed consumers reported pursuing their complaint because their solicitor's response didn't address their complaint. More than a quarter (26%) of surveyed consumers reported pursuing their complaint because their solicitor didn't change their behaviour. This suggests that investigating complaints, offering appropriate remedies, and modifying customer

service appropriately, could prevent complaints from being escalated to the second tier.

Premature complainants were more than twice as likely as consumers from the YouGov panel to report that they pursued their complaint because they wanted action taken against their solicitor (46% of premature complainants, compared to 21% of consumers from the YouGov panel) – see Figure 48. One premature complainant described their experience:

“The solicitor did not deliver as required and I feel he misled me. He didn’t use the information I’d provided him in the first place; for example, I told him I was going to be out of the country on certain dates and he arranged the hearing on those dates when it was impossible for me to attend...his attitude was despicable – he didn’t listen and was dismissive, he was in his own world...he threw the files at me and said 'I don't want anything to do with you'...I did several searches on the web and went straight to the Legal Ombudsman - there was no diluted – ‘you could do this, you could do that’ – I just wanted to make a complaint swift and clear...I was wary that if I contacted the solicitors about how to lodge a complaint it would cause obstructions and backlash.

-Consumer

Interviewed firms also frequently reported that it was important for solicitors to be as objective and fair as possible when handling complaints.

“Clients want an appropriate outcome, want their complaint to be dealt with seriously, and ideally would like their complaint to be upheld...Clients also want to know that their complaint has been dealt with independently and fairly, so it is important to deal with complaints objectively.”

-Solicitor, Small firm

Figure 48 Top reasons that consumers pursued their complaints – results of the consumer survey

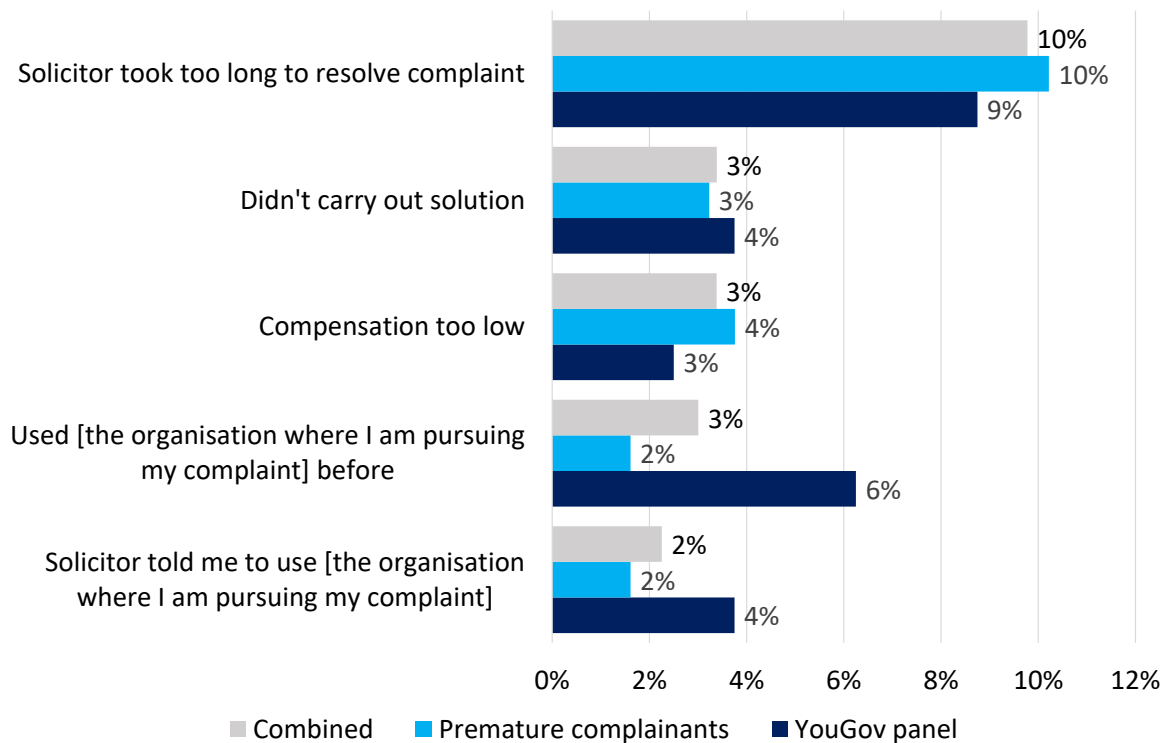


Note: Q22 (Premature complainants) and Q15 (YouGov panel). Why have you taken, or do you plan to take, your complaint further? Please select all that apply.

N = 216 [186 premature complainants who were planning to take their complaint further; 80 respondents from YouGov panel who were planning to take their complaint further]

Relatively few consumers (10%) reported that they were pursuing their complaint further because their solicitor had taken too long to resolve their complaint, and only 2% of surveyed consumers reported taking their complaint further because their solicitor had told them to (Figure 49). This may be because only 29% of consumers reported being informed about the Legal Ombudsman by their solicitors (Figure 15).

Figure 49 Least frequently reported reasons that consumers pursued their complaints – results of the consumer survey



Note: Q22 (Premature complainants) and Q15 (YouGov panel). Why have you taken, or do you plan to take, your complaint further? Please select all that apply.

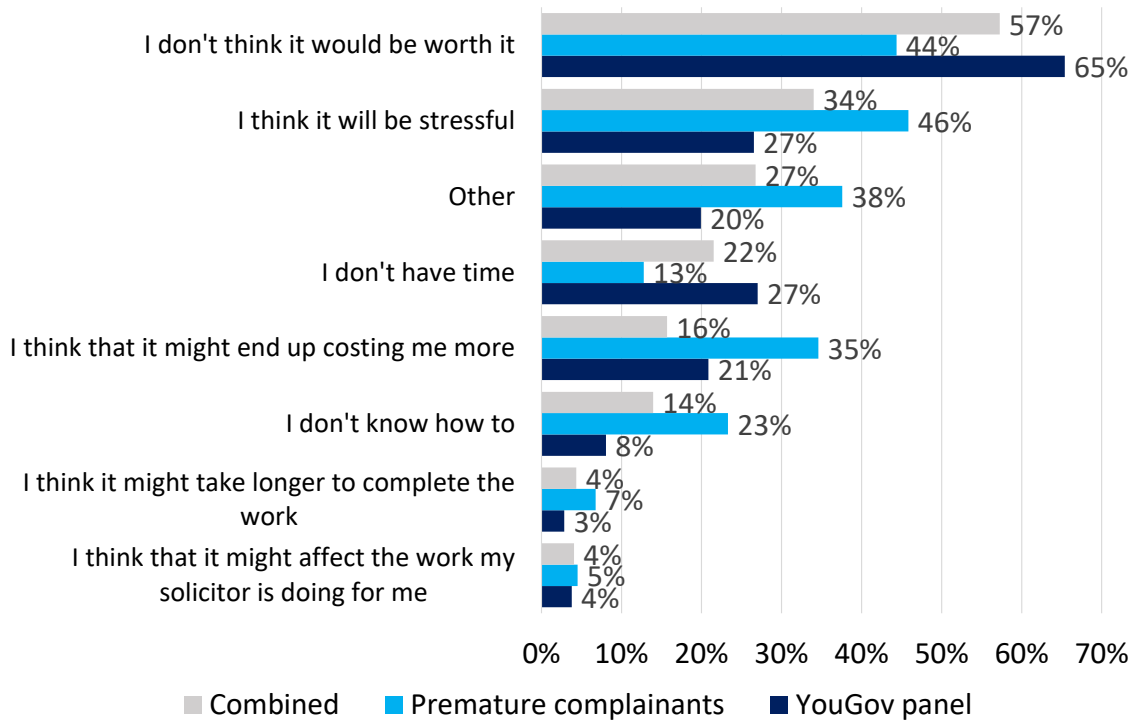
N = 266 [186 premature complainants who were planning to take their complaint further; 80 respondents from YouGov panel who were planning to take their complaint further].

7.3.2 If consumers do not proceed with their complaint, why not?

Almost three fifths (57%) of consumers who did not want to pursue their complaint further reported that they didn't think it would be worth it, with dissatisfied consumers from the YouGov panel being more likely to report this barrier to proceeding than the premature complainants (Figure 50).

The second top reported barrier to proceeding was that consumers thought that it would be stressful (34% of surveyed consumers). Relatively few consumers (14%) reported that they didn't want to proceed because they didn't know how to. This is in line with consumers' reported barriers to complaining at the first tier, where consumers were more likely to report that they thought it would be stressful, rather than that they didn't know that they could (Figure 21).

Figure 50 Reasons that consumers do not pursue complaints – results of the consumer survey



Note: Q23 (Premature complainants) and Q16 (YouGov panel). Why don't you plan on taking your complaint any further? Select all that apply.

N = 344 [133 premature complainants who were not planning to take their complaint further; 211 respondents from YouGov panel who were not planning to take their complaint further].

“Complaining feels ‘heavy’ to service users so they may not feel they have a right to approach the Legal Ombudsman. It also depends on the support, or people around the user. They may be worried about escalating, because ‘authority is authority’. They also may not know what the process/framework is.”

-Stakeholder

Consumers in circumstances that make them vulnerable may face additional barriers to pursuing their complaint. For example, it may be difficult for some vulnerable consumers to access, or retain, the information and support that they need to pursue a complaint. In addition, stakeholders have pointed out that consumers perceive solicitors as authority figures, making it especially difficult, or stressful, to complain.

The research shows that most consumers wanted their solicitor to act on their expression of dissatisfaction, whether it was made formally or informally. Most complaints are resolved by offering an explanation, and using plain English is important in resolving complaints. The next section explores how solicitor firms learn from

handling complaints, whether there are any business benefits to complaints and opinions on publishing complaints data.

8 Learning from complaints

Key findings relating to learning from complaints

93% of surveyed firms believed that there were some benefits to complaints handling.

The top benefits of complaints, according to solicitor firms, were improving service delivery (76%), understanding consumer expectations (71%) and providing a chance to improve consumer retention (63%).

70% of solicitor firms collected consumer feedback by regularly talking to their client throughout a case. This percentage rose to 77% for smaller firms. Larger firms were more likely to collect feedback through consumer feedback forms (66% of firms with 6+ fee earners compared to 26% of firms with 1 fee earner) and to check for online reviews (30% of firms with 6+ fee earners compared to 13% of firms with 1 fee earner).

36% of surveyed solicitor firms with no experience of the Legal Ombudsman (that is, none of their complaints had been investigated by the Legal Ombudsman), informed consumers about their complaints procedure when the client expressed dissatisfaction, compared to 51% of solicitor firms with some experience of the Legal Ombudsman.

49% of surveyed solicitor firms who had had clients pursuing their complaint with the Legal Ombudsman reported informing clients about the Legal Ombudsman at the end of the complaints procedure, compared to only 27% of firms where none of their clients pursued complaints at the second tier.

43% of solicitor firms with no experience of consumers pursuing their complaints with the Legal Ombudsman had no guidance on investigating complaints, compared to only 29% of solicitor firms with some experience of the Legal Ombudsman.

62% of surveyed consumers reported that having access to complaints data would help them to compare service standards.

36% of surveyed consumers and 31% of surveyed firms reported that publishing complaints data would be helpful in the context of information such as the solicitor firm's size and the type of work that they do.

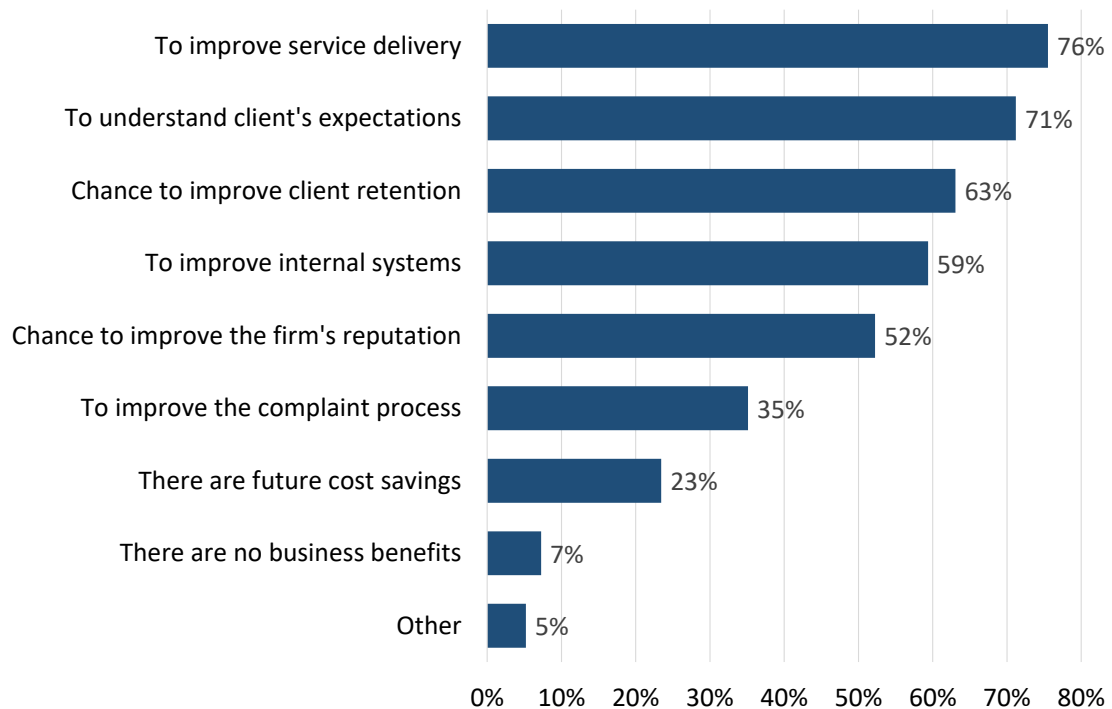
8.1 Are there benefits to complaint handling?

"We generally know our clients personally. Enhancing that relationship would be our prime objective."

-Firm survey, Medium-sized firm

More than 90% of surveyed solicitor firms (Figure 51) reported that there were some business benefits of complaints. The top benefits of complaints, according to solicitor firms, were improving service delivery (76%), understanding consumer expectations (71%) and providing a chance to improve consumer retention (63%).

Figure 51 Solicitor firms' opinions of the business benefits of complaints – results of the firm survey



Note: Q31. What do you think are the business benefits of complaints? (Please select all that apply)

N = 486 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

Good complaints handling can improve customer satisfaction and firms' relationships with their clients. As previously noted, consumer retention is important for solicitors to ensure a steady stream of revenue, as consumers often use the same legal services provider again (Ipsos MORI, 2016⁷³). Interviewed firms recognised that handling complaints well can help to retain customers and enhance their reputation, for example:

“Do a good job and someone will tell their neighbour, do a bad job and they'll tell their whole street.”

-Solicitor, Medium-sized firm

The research also highlighted another business case for good complaint handling. Where clear explanations are provided to the complainant, the time and money spent on complaints handling at both the first and second tier can be reduced (see Section 7.2).

⁷³ Ipsos MORI (2016), *Online survey of individuals' handling of legal issues in England and Wales 2015*, conducted for Legal Services Board and The Law Society

8.2 Improving complaints handling

Many solicitor firms stressed that it was important to try to prevent complaints, rather than handling them when they arise. Three fifths of solicitor firms (63%) reported that ongoing client care would help to improve complaints handling. When interviewed firms were asked about the characteristics of a good complaints handling procedure, many reported that speed was of the essence. One participant summed up what the procedure should involve in three words – speed, engagement and accuracy.

“Clients just want to be listened to and taken seriously.”

-Solicitor, Small firm

For many complaints handlers there was a sense that complainants simply wanted to voice their dissatisfaction and be heard by someone other than the fee earner. For such clients, they wanted a second opinion - to cross check the information that has been provided with a ‘higher authority’. Consumer interviewees echoed this

“Often fee earners are quite upset about complaints, so I think it's important that the process reflects their views. The fee earner is always the subject of the complaint - never the firm. And that makes it very difficult as they see it as personal.”

-Solicitor, Large firm

perspective, with many saying that they had approached the Legal Ombudsman before complaining to their solicitor to better understand their position before proceeding (see Section 4.2). If such clients are dealt with promptly, even if it is simply to reiterate what they were told by the fee earner, then many complainants are satisfied. That said, it is important that the complaints handler adopts a neutral, objective attitude too. The consumer survey showed that consumers value a fair unbiased attitude when their complaint is handled and would be put off complaining if they thought the solicitors could not handle their complaint fairly (Figure 21).

Stakeholders also pointed out that in many cases training staff to respond effectively to consumers, especially vulnerable consumers, can improve customer satisfaction and may even save solicitors time and effort in the long run.

Over half of surveyed solicitor firms (55%) believed that it was important to train staff to respond to dissatisfied clients before they make complaints, and two fifths of surveyed solicitor firms (44%) believed in the importance of training on how to identify and manage complaints (Figure 52). One solicitor firm said that they enjoyed attending training sessions as it gave them the chance to learn from other firms.

“...Signpost clients with specific needs, or identify other people who could help. Don't be frightened to ask outside. Partner with organisations, share information. It might actually save time especially when dealing with vulnerable clients.”

-Stakeholder

Figure 52 Improving complaints handling – results of the firm survey

Note: Q35. What would make complaints handling more effective for solicitor firms and their clients in general? (Please select all that apply)

N = 539 [surveyed firms with a written complaints procedure].

Some firm interviewees pointed out that they make an effort to take vulnerabilities into account, with one interviewee from a small firm noting that it is important to take a case-by-case approach since in many cases consumers approach firms in a state of distress and their legal situation places them in a position of vulnerability. Some interviewees mentioned that they provide training on dealing with vulnerable clients, with refreshers for fee earners.

8.3 How can complaints information and consumer feedback improve procedures?

Solicitor firms frequently reported using complaints data to change their customer service or complaints handling procedures. In particular, they used it to change the way that they communicate with consumers and manage their expectations.

Solicitor firms also reported modifying other procedures – specifically training fee-earners or consumer-facing staff. Many also reported involving senior partners in the review and risk assessment process, and some surveyed firms said they linked complaints handling to performance review and bonuses.

“We use information from complaints to improve our service systems and complaints process by continually trying to seek innovative ways of getting the clients to read the information that we provide them.”

-Firm survey, Large firm

More broadly, firms reported that being aware both of their limitations, and the fact that they occasionally get things wrong, may benefit solicitors.

“Solicitors can learn more from complaints than from praise.”

-Solicitor, Small firm

In terms of how firms handle complaints, there was a sense that some firms (and individuals) can be defensive, particularly when the complaint is levelled against one person. This attitude can be unhelpful, and can cause further frictions between the firm and the client.

Taking this wider, there was a feeling that, within firms, it is important to avoid placing blame, as this encourages fee earners to come forward with complaints, and means that they can respond in an open and productive way.

“I always consider whether there are lessons to be learned. Often it is a learning opportunity for the individual fee earner, who is always involved in the process. We have, though, changed systems and policies as a result of complaints. My complaints register (and claims/notifications register) has a column for “action taken”, which is reviewed at partnership level.”

-Firm survey, Large firm

Many solicitor firms said it was important to stress that analysing internal complaints data should be treated as a learning exercise, rather than blaming solicitors.

“No-one likes receiving a complaint or negative feedback, but training and regular reminders to the fee-earning teams tells them that long-term relationships need open communication - so they learn to welcome feedback... There is a “no blame” culture...we want to use [feedback] as a “learning event”.

-Solicitor, Large firm

Some solicitor firms reported using complaints scenarios based on real complaints data to improve their customer service and complaints handling procedures. However, in many cases solicitor firms may not have received actual complaints. For example, complaints can vary by firm size and area of law. For example, larger solicitor firms receive more complaints (see Figure 18); and residential conveyancing services tend to receive more complaints than other areas (see Figure 17).

“.....We use real complaint situations, without identifying the client, in training sessions to analyse what went wrong and how things can be done differently to avoid the same issues arising again. This helps us better understand client's expectations and improve service delivery.”

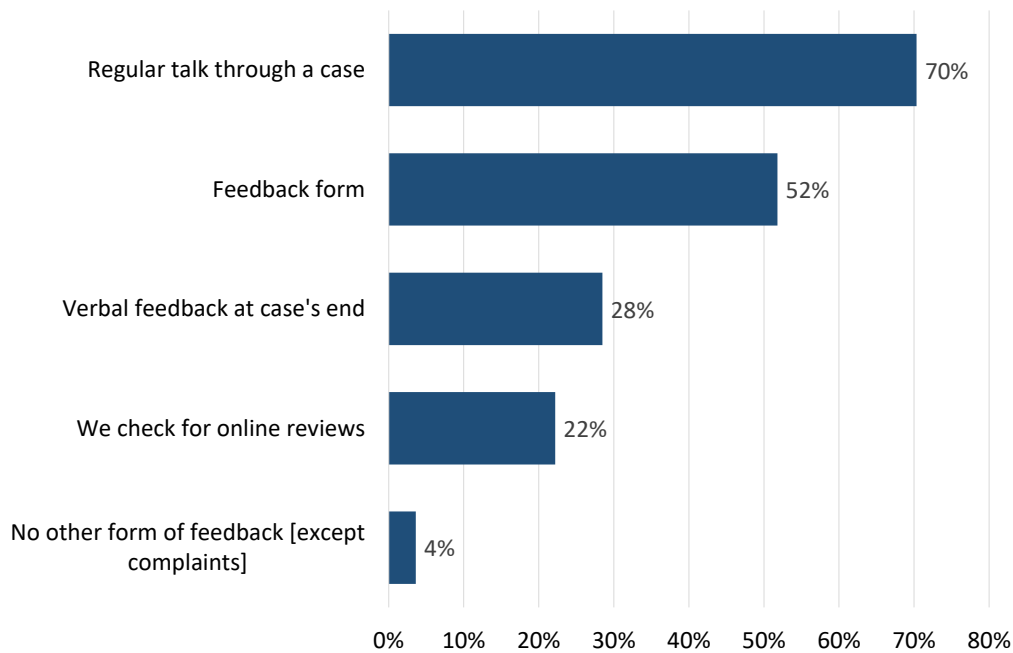
-Firm survey, Small firm

Solicitor firms can collect other forms of consumer feedback in addition to complaints data. Seven tenths (70%) of surveyed solicitor firms reported using constant contact with clients, over half (52%) reported using feedback forms and almost three tenths (28%) reported asking for verbal feedback at the end of a case (Figure 53).

Interviewed firms reported collecting consumer feedback in a number of ways. Some firms reported that they were ‘sporadic’ in the way that they collected feedback, but that they collated and analysed the feedback they collected. Other firms reported collecting feedback more systematically, for example with a feedback form or through a questionnaire or survey sent at the end of the transaction of process.

“All clients, on closing their file, get provided with a questionnaire and an online link - we've got star reviews on Google and Yell.com - that is really good client feedback. We get so much good feedback that it drowns out any negative stuff.”

-Solicitor, Medium-sized firm

Figure 53 Types of consumer feedback used by solicitor firms – results of the firm survey

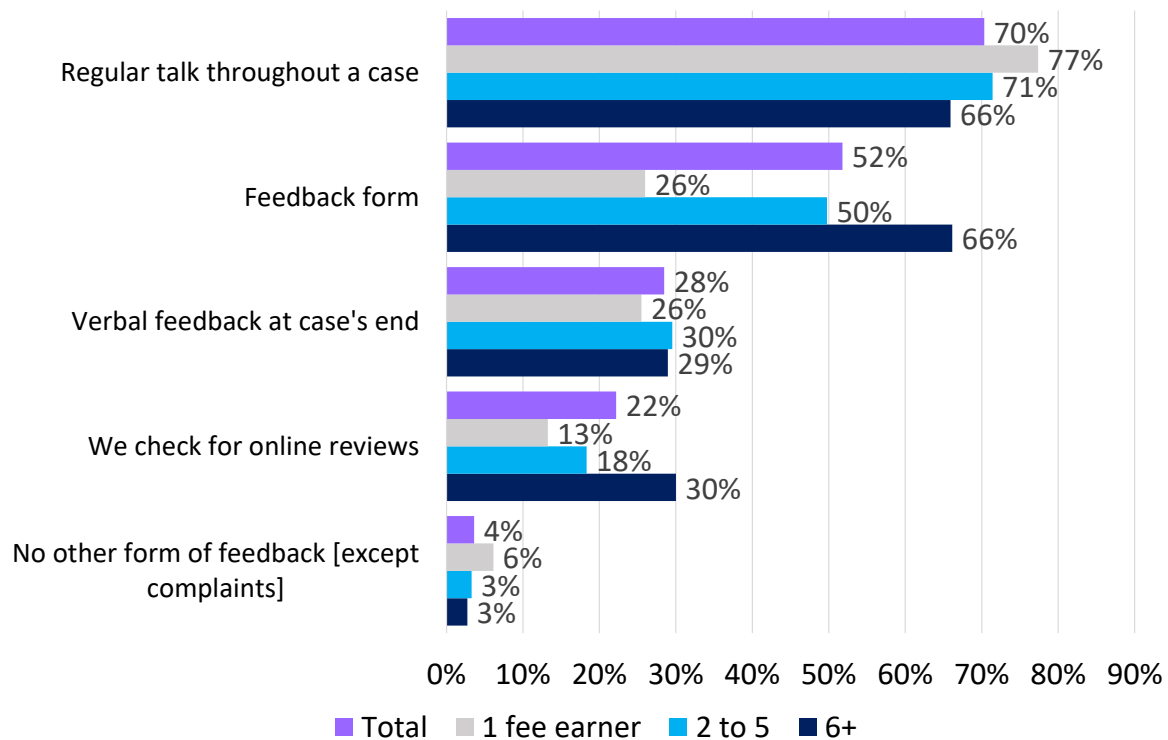
Note: Q33. Other than through complaints, how else does your firm receive feedback from clients to measure levels of satisfaction? (Please select all that apply)

N = 539 [all surveyed firms].

Larger firms were more likely to report checking for online reviews than smaller firms. For example, 30% of firms with 6 fee earners or more reported checking for online reviews, compared to 13% of firms with one fee earner (Figure 54).

In general, larger firms are more likely to use more formal feedback mechanisms, but smaller firms may prefer regular contact throughout the work. Larger firms were more likely to report using feedback forms than smaller firms: 66% of surveyed firms with 6 or more fee earners reported using feedback forms, compared to 26% of surveyed firms with 1 fee earner. However, smaller firms were also more likely to report using regular communication throughout a case (77% of firms with one fee earner compared to an average of 70%). There are therefore variations depending on firm size, but different firms could learn from each other to develop their feedback mechanisms.

Figure 54 Types of consumer feedback used by solicitor firms by number of fee earners: results of the firm survey



Note: Q33. Other than through complaints, how else does your firm receive feedback from clients to measure levels of satisfaction? (Please select all that apply)
 N = 539 [surveyed firms with a written complaints procedure].

8.3.1 Do firms change the way they communicate information to their consumers based on complaints information and consumer feedback?

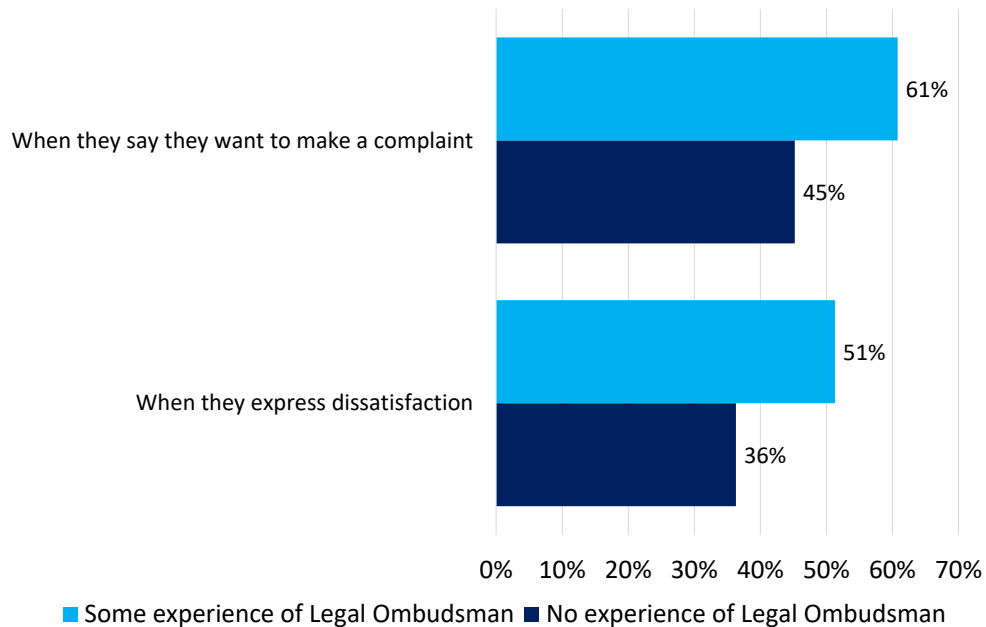
There is evidence that solicitor firms who actively collect and use consumer feedback may provide consumers with the information they need in a more timely manner. As previously discussed, the firm and consumer surveys show a difference between the information that firms report providing consumers, and the information that consumers recall receiving. If consumers are not provided information, or reminders, about the firm’s complaints procedure at relevant times, they may not recall the information, or be able to relate it to their situation.

Solicitor firms who have had experience of consumers taking their complaints to the Legal Ombudsman are more likely to inform consumers of their complaints procedure in a more timely manner, such as when they express dissatisfaction or when they say they want to make a complaint. For example, 36% of surveyed solicitor firms where no clients had pursued complaints with the Legal Ombudsman, informed consumers about their complaints procedure when the client expressed dissatisfaction. But this percentage increased to 51% if solicitor firms had experience of consumers pursuing their complaint with the Legal Ombudsman (Figure 55).⁷⁴

⁷⁴ The research cannot identify whether this relationship is causal. Therefore it is unknown whether the more timely information leads to more consumers taking their complaints to the Legal Ombudsman, or whether firms provide more timely information because they have had more experience of the Legal Ombudsman.

Also, 45% of firms with no experience of the Legal Ombudsman reported informing consumers of their complaints procedure when the client reported they wanted to make a complaint. But this figure rose to 61% if solicitor firms had any experience of consumers pursuing their complaint at second tier.

Figure 55 Information provided about complaints procedure, crossed with percentage of consumers pursuing complaints with the Legal Ombudsman – results of the firm survey



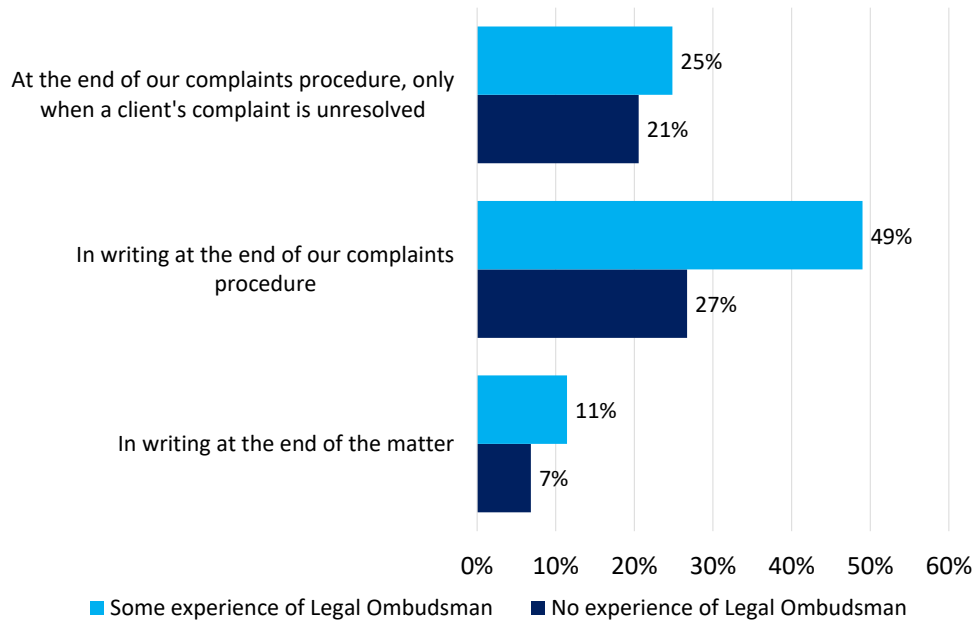
Note: Cross-tab of Q11. (When are clients informed how to complain to your firm? (Please select all that apply and Q25. What percentage of clients complaining to your firm take their complaint to the Legal Ombudsman?)

N = 441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

As well as the complaints procedure, there is also evidence that solicitor firms who had experience of consumers pursuing complaints with the Legal Ombudsman may provide consumers with Legal Ombudsman information in a timely, more useful manner. As previously noted, almost three fifths (56%) of surveyed consumers reported that their solicitor did not inform them about the Legal Ombudsman (Figure 15), even though over nine tenths (92%) of surveyed firms reported informing consumers about the Legal Ombudsman in writing at the outset of the matter (Figure 14).

However, 49% of surveyed solicitor firms who had any clients pursuing their complaint with the Legal Ombudsman reported informing clients about the Legal Ombudsman at the end of the complaints procedure, compared to only 27% of firms where none of their clients pursued complaints (Figure 56). Solicitor firms are required to signpost consumers to the Legal Ombudsman at the end of the complaints procedure. This is because providing this information at the end of the complaints procedure is likely to be more helpful to consumers seeking to pursue a complaint further, than providing the information at the outset of the matter in a client care letter, which firms are also required to do.

Figure 56 Information provided about the Legal Ombudsman crossed with percentage of clients pursuing complaints with Legal Ombudsman – results of the firm survey



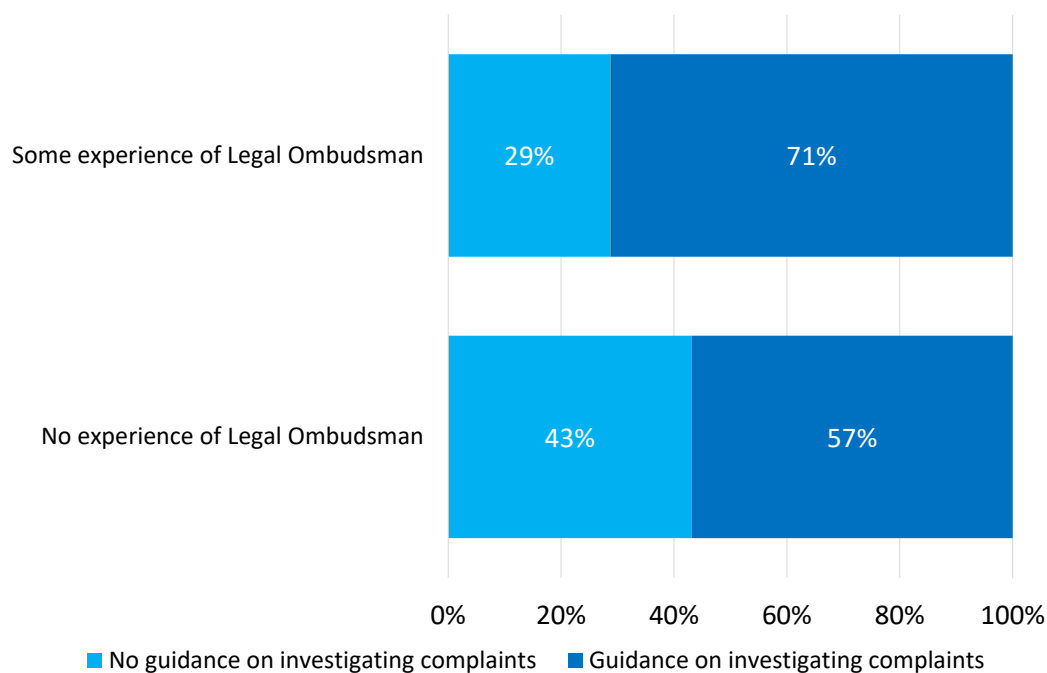
Note. Cross-tab of Q24. When does your firm inform clients about the option of using the Legal Ombudsman? (Please select all that apply) and Q25. What percentage of clients complaining to your firm take their complaint to the Legal Ombudsman?

N = 441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

8.3.2 Do firms change their guidelines for investigating complaints based on their complaint handling experience?

Solicitor firms with experience of second tier complaints may use the information to modify other aspects of complaints handling procedures. For example, 43% of solicitor firms with no experience of consumers pursuing their complaints to the Legal Ombudsman had no guidance on investigating complaints, compared to only 29% of solicitor firms with some experience of the Legal Ombudsman (Figure 57).

Figure 57 Guidelines for investigating complaints crossed with experience of second tier complaints – results of the firm survey



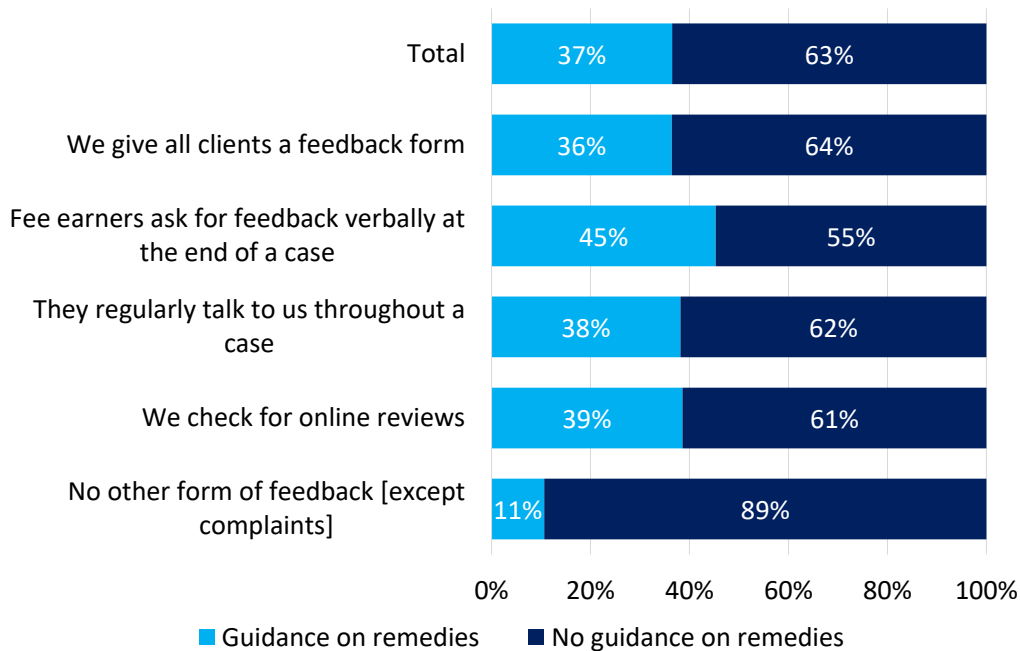
Note: Cross-tab of Q18. Does your firm have guidelines for how the firm should investigate complaints? (Please select all that apply) and Q25. What percentage of clients complaining to your firm take their complaint to the Legal Ombudsman?

N = 441 [surveyed firms who have ever received a complaint or expression of dissatisfaction].

Solicitor firms may also use consumer feedback to put procedures in place to identify appropriate remedies. Few solicitor firms (11%) who only collect feedback through complaints have guidance on appropriate remedies, compared to 45% of surveyed solicitor firms who asked for feedback verbally at the end of a case. This suggests that firms that collect consumer feedback may have guidance that helps them to identify which remedies might be appropriate for particular complaints, or complaint types. This, in turn, may help to simplify or streamline solicitors' procedures relating to remedies. Remedy guidelines do not need to be prescriptive and formulaic, for example the Legal Ombudsman remedy guidance⁷⁵ is a useful reference point and shows that the appropriate remedy depends on a number of factors, including the complainant's vulnerability and the effect that any poor service has had on them.

⁷⁵ <http://www.legalombudsman.org.uk/wp-content/uploads/2014/09/Guidance-note-our-approach-to-remedies.pdf>

Figure 58 Guidance on appropriate remedies crossed with collecting consumer feedback – results of the firm survey



Note: Cross-tab of Q19. Does your firm's complaints procedure set out guidelines for appropriate remedies? and Q33 (Other than through complaints, how else does your firm receive feedback from clients to measure levels of satisfaction? (Please select all that apply)).

N = 539 [surveyed firms with a written complaints procedure].

8.4 Publishing complaints data

The CMA (2016)⁷⁶ suggested that regulators could play a role in 'aggregating and making available quality information such as complaints data'. Some stakeholders pointed out that consumers may use complaints data to compare solicitors when deciding which to choose.

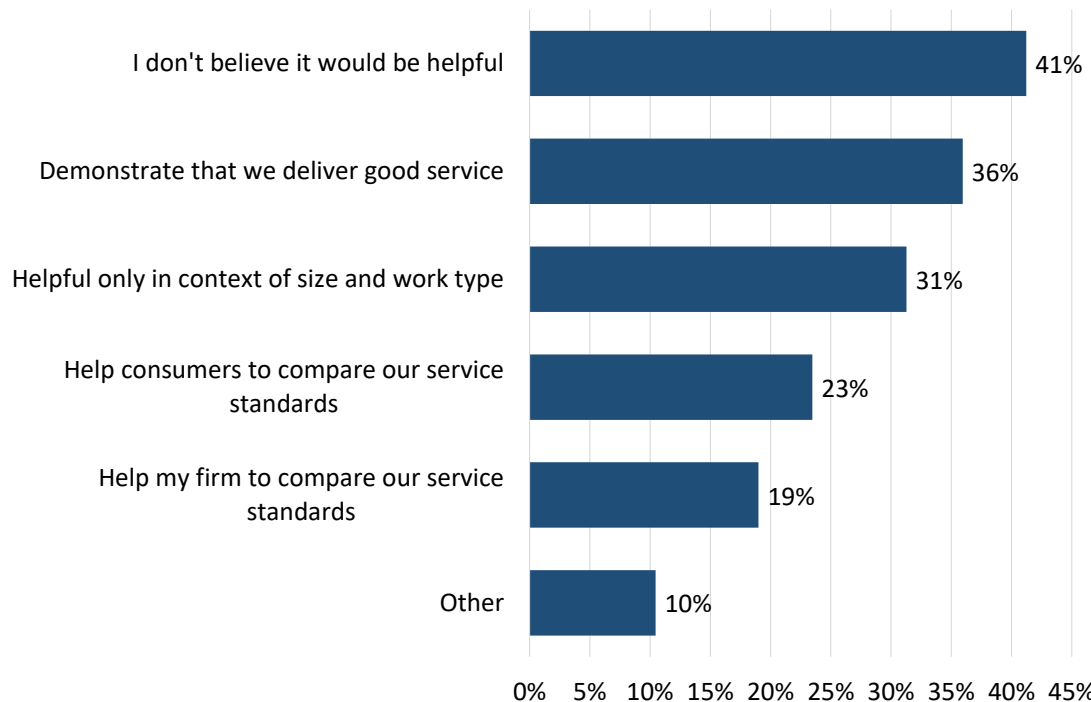
It is important to think through the implications of this. For example, 41% of solicitors believed that it would be unhelpful for consumers to have access to complaints data (Figure 59), whereas only 9% of consumers think it would be unhelpful (Figure 49). This indicates that consumers want more information to help them make informed choices.

"Think it would be useful if it was done properly - the number of complaints, the outcome, whether or not they went to the Ombudsman. But there is plenty of scope for people to make malicious complaints, those that are ill founded - unhappy clients can shout very vociferously."

-Solicitor firm representative, Large firm

⁷⁶ Competition and Markets Authority (2016), [Legal services market study: Final Report](#), accessed 11th May 2017.

Figure 59 Solicitor firms' beliefs about the helpfulness of publishing complaints data – results of the firm survey

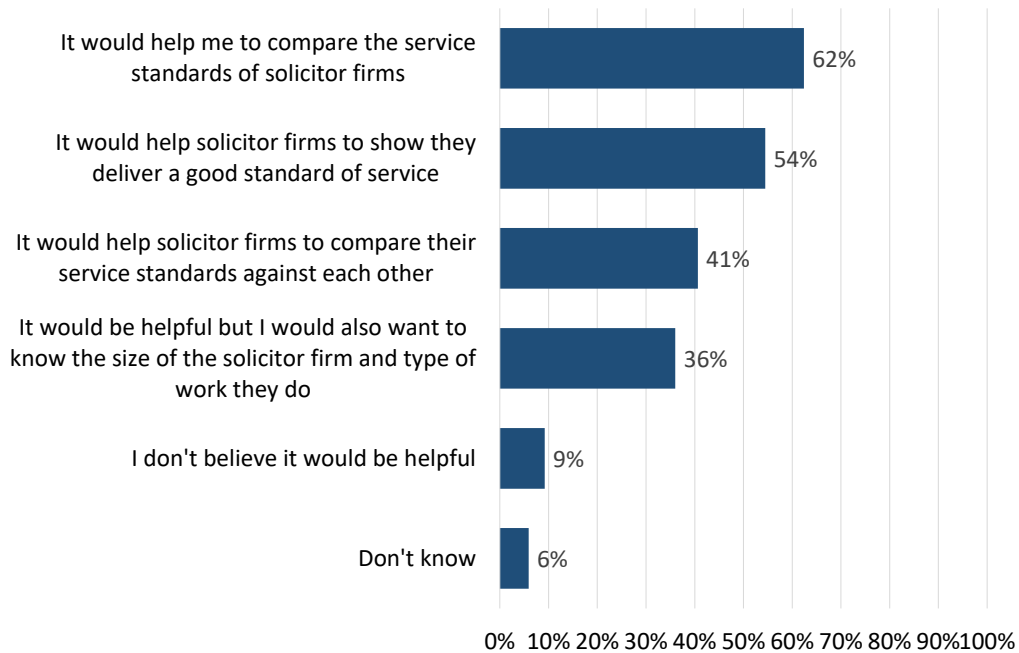


Note: Q34. The Competition and Markets Authority has recommended that potential clients have access to more information about solicitors. What is your opinion on the possibility of providing information about the number and types of complaint you receive? (Please select all that apply)

N = 539 [surveyed firms with a written complaints procedure].

62% of surveyed consumers reported that having access to complaints data would help them to compare service standards, and 54% reported that it would help solicitors to demonstrate that they deliver good service (Figure 60). Some firms agreed with these points (23% and 36% of surveyed firms respectively). 36% of surveyed consumers and 31% of surveyed firms (Figure 59) reported that publishing complaints data would be helpful when set against the context of information such as the solicitor firm's size and the type of work that they do. Interviewed firms also thought that context was very important for this type of data, so that consumers could compare like-with-like.

Figure 60 Consumers’ beliefs about the helpfulness of publishing complaints data – results of the consumer survey

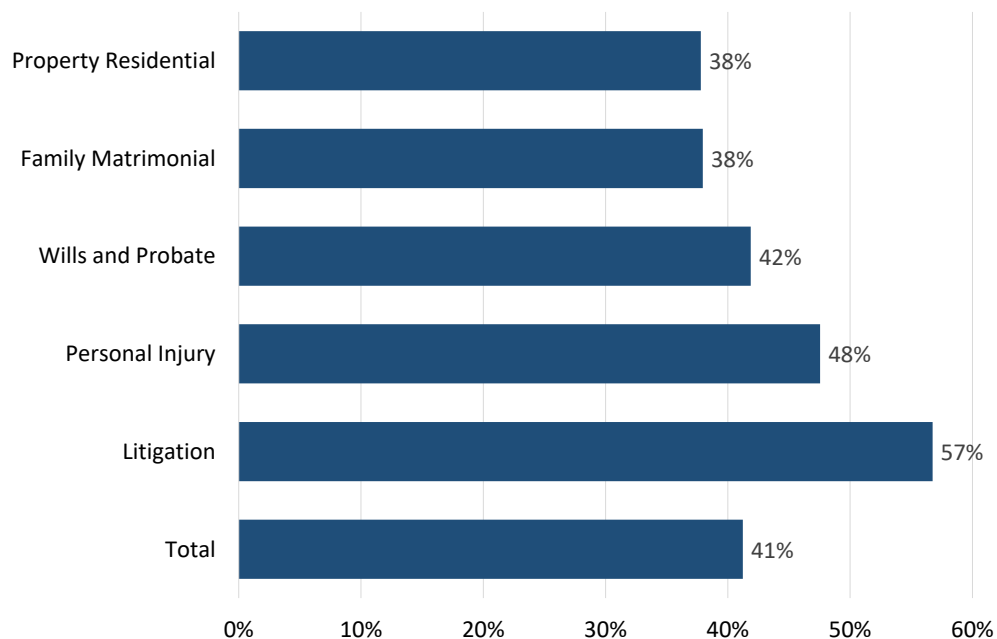


Note: Q36 (Premature complainants) and Q25 (YouGov panel). What is your opinion on the possibility of having access to information about the number and types of complaints each solicitor firm receives? Please select all that apply

N = 2,016 [1,222 premature complainants; 794 respondents from YouGov panel].

Solicitor firms were more likely to be cautious about the helpfulness of publishing complaints data depending on their area of law. For example, 57% of solicitor firms receiving more than 25% of their turnover from litigation reported that publishing complaints data would not be helpful, compared to 41% across all areas of law (Figure 61).

Figure 61 Percentage of solicitor firms who don't believe publishing complaints data would be helpful, by area of law – results of the firm survey



Note: Q34. The Competition and Markets Authority has recommended that potential clients have access to more information about solicitors. What is your opinion on the possibility of providing information about the number and types of complaint you receive? (Please select all that apply)

N = 64 [surveyed firms with more than 25% of turnover from Litigation]; N = 58 [surveyed firms with more than 25% of turnover from Personal Injury]; N = 51 [surveyed firms with more than 25% of turnover from Family Matrimonial]; N = 74 [surveyed firms with more than 25% of turnover from Wills and Probate]; N = 143 [surveyed firms with more than 25% of turnover from Property Residential].

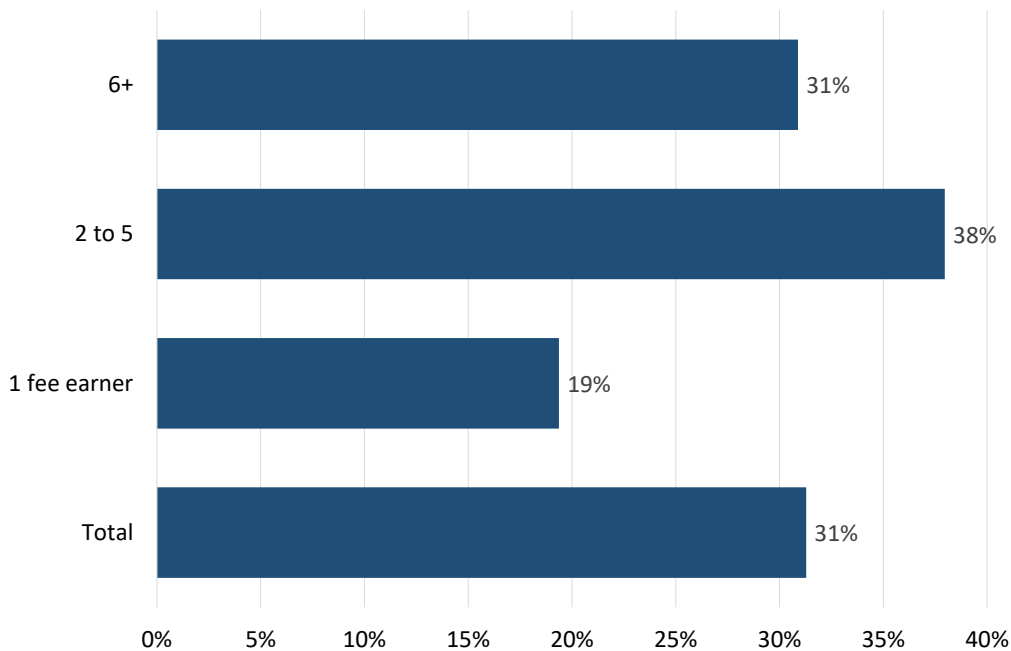
This may be related to the fact that some areas of law may be more contentious than others. For example, firms specialising in litigation and personal injury were more likely than property residential specialists to report that they didn't believe that publishing complaints data would be helpful.⁷⁷

Larger firms were also more likely than smaller firms to report that publishing complaints data would only be helpful with context of firm size and nature of work (Figure 62). 38% of surveyed firms with between 2 and 5 fee earners report believing that publishing complaints data would only be helpful in context of firm size and type of work, compared to 19% of firms with one fee earner.

This may be because larger firms handle more matters and receive more complaints than smaller firms, as discussed earlier.

⁷⁷ Firms with more than 25% of their turnover from family matters were also relatively less likely to report that publishing complaints data would not be helpful (38% compared to an average of 41%). This may seem surprising, as family matters cases can also be contentious. However, surveyed firms with more than 25% of their turnover from family matters also frequently derived a substantial part of their turnover from other, less contentious, areas of law e.g. property residential law.

Figure 62 Percentage of solicitor firms who believe publishing complaints data would only be helpful in context, by number of fee earners – results of the firm survey



Note: Q34. The Competition and Markets Authority has recommended that potential clients have access to more information about solicitors. What is your opinion on the possibility of providing information about the number and types of complaint you receive? (Please select all that apply)

N = 539 [108 firms with 1 fee earner; 207 firms with 2 – 5 fee earners; 224 firms with 6 or more fee earners].

Stakeholders suggested publishing complaints data may have the unintended consequence of penalising solicitor firms who record negative consumer feedback collected through multiple channels as a complaint, and therefore may appear to be worse-performing than other solicitor firms. That is,

“Solicitors often don’t record complaints accurately e.g. how the complaint was made, what remedy was offered, how it was resolved. Firms who give more correct data may look like their firm has had more complaints.”

-Stakeholder

some firms record any negative feedback as a complaint, whether provided through a complaint, feedback mechanisms or another expression of dissatisfaction, whereas other firms only record letters of complaint as complaints. Interviewed firms were often concerned about publishing complaints data as well, especially given that there is variation in how firms record complaints. Some interviewed firms suggested that consumers might be better able to make a ‘like-for-like’ comparison if they had access to all second tier complaints data – that is, all complaints received, and all complaints resolved, by the Legal Ombudsman.

Interviewed consumers said that having access to complaints data would only make sense in context. For example, some consumers would only be interested in knowing about complaints that are relevant to their situation - and would expect such information to be available in a detailed write up. Others would only want to know about serious complaints that have been dealt with formally.

Many consumers who thought complaints data would only make sense in context pointed out that how a firm responds to a complaint would be more valuable than knowing what the complaint was in the first place – indeed, many would not trust a firm with no complaints at all.

“A good complaints record would be a low volume of complaints – anyone can make a mistake, it’s important to know how they’re responded to. But if a solicitor responded properly it wouldn’t show up as a formal complaint.”

-Consumer, Family matters

“The first solicitor mentioned their complaint number but it didn’t help me...sometimes knowing the number of complaints isn’t helpful. I want to know information about response times.”

-Consumer

One consumer worried about complaints reflecting unfairly on firms and/or that such a system may encourage firms to turn down difficult cases to avoid the risk of negative feedback.

“It shouldn’t be something like eBay or TripAdvisor...even something like conveyancing, which isn’t controversial can be complicated...I’m not confident that you’d be able to gain reliable reviews...you can have fake positive and fake negative reviews, can’t you? How would the SRA / Ombudsmen police that?”

-Consumer, Family matters

Some stakeholders echoed the perspective that complaints data would be useful in the context of how firms responded to complaints. For example, it may be useful to publish information on the percentage of complaints that have been resolved, to demonstrate to consumers that complaints do happen and get resolved. This would give consumers the confidence to complain when dissatisfied.

“Yes, it would empower users to know that other people had gone through the complaints process. Even if people haven’t always gotten resolution, it would reassure people, help give them closure and reassurance that actions are available and you have done everything you can do.”

-Stakeholder

8.5 The role of the SRA and Legal Ombudsman in improving complaints handling and raising service standards

The research has identified a number of areas where there are gaps in consumers’ understanding of solicitors’ actions or communication, or gaps in solicitors’ understanding of consumers’ expectations. Regulators, or independent organisations such as the Legal Ombudsman, may be able to provide information to firms and consumers, therefore raising satisfaction levels.

For example, approximately one third (32%) of surveyed solicitor firms believed that best practice guidance from the SRA and Legal Ombudsman would help them to handle complaints better (Figure 52). There is already guidance available, but some firms may not be aware of it.

One way that the SRA and Legal Ombudsman can improve service levels is to issue information on the content, format and timeliness of the information solicitors provide to consumers. Consumer surveys, stakeholder interviews and depth interviews have indicated that consumers may not always receive the information that they need from their solicitor. Even if they receive the information they require, they may not be able to recall or retain it because of the time the information is provided.

“It may be helpful to specify a standard on solicitors’ letters reinforcing key messages and how to complain.”

-Stakeholder

“It may help to give guidance to firms to provide a single point of contact who is not the fee earner to help you walk through the process. “

-Stakeholder

Other stakeholders have pointed out that it would be useful for consumers to be reassured that somebody independent will handle their complaint. For example, stakeholders and the consumer survey highlighted that consumers may perceive a lack of independence from their solicitors, as previously noted. Stakeholders have suggested that it would give consumers more confidence to complain if they could speak to someone who is not their solicitor about their complaint at first tier – for example, an

independent organisation.⁷⁸ This again is in line with the consumer survey – 44% of surveyed consumers who prematurely complained to the Legal Ombudsman reported that they wanted

⁷⁸ However, it may not be feasible to have an independent organisation for complaints at first tier as well as at second tier.

somebody independent to look at their case (Figure 21). The Legal Ombudsman is an independent body for second tier complaints but has to allow firms the chance to resolve complaints themselves at the first tier. There are cost implications for independent organisations to handle first-tier complaints for firms and this is not common in other sectors. As an alternative, firms could reassure their clients that they will handle their complaint fairly and, where possible, ensure that the complaint handler is not the fee-earner.

The firm surveys and interviews have indicated that solicitor firms vary substantially in how they record expressions of dissatisfaction as complaints. This in turn suggests that publishing complaints data may not always help consumers to make 'like-for-like' comparisons between solicitor firms. The SRA may be able to help firms and consumers by issuing guidance on how solicitor firms identify and record complaints.

Stakeholder and consumer interviewees have also pointed out that it may help consumers for the SRA or Legal Ombudsman to publish easily-accessible information about consumers' legal rights and position, as well as the main regulators and agencies in the legal system. The SRA are currently consulting about how information for consumers can be improved. The Legal Choices website, which is jointly funded by all legal regulators, provides information to consumers and is being further developed and promoted.

“It may help consumers to set out legal rights and the legal framework in an accessible way e.g. setting out ‘easy read’ animation or using role-play to help people understand what is going on.”

-Stakeholder

Although many consumers were familiar with the concept of a regulator, the majority of interviewed consumers were not aware of the SRA, even after they have experience of making a complaint. One or two confused the SRA with The Law Society. Some consumers were also critical of regulation which in some cases they confused with accreditation, believing that firms can pay for certification and that such firms aren't necessarily upholding best practice. As such, not all would fully trust a quality mark. For example:

“I'm not aware of the SRA...it depends what regulated means. Just because you hold a badge, it doesn't mean that the practice is what the organisation expects. People can pay fees to become accredited...”

-Consumer

Therefore, the SRA and Legal Ombudsman could help consumers by increasing familiarity with the major components of the legal framework, including the SRA and Legal Ombudsman's role and responsibilities.

9 Conclusions and recommendations

The research leads to a number of conclusions and recommendations, grouped by stage in the complaints process.

9.1 Providing a good service

9.1.1 Conclusions

The information and communication from solicitors about costs, legal process and progress of the work is very important to consumers. Getting the legal work right is important, but consumers are only able to understand the work through the information provided by their solicitor. If the communication is clear and timely then they are less likely to be dissatisfied. In particular, consumers need clear information about the legal work and costs at the start and end of the work and at appropriate intervals throughout the work.

Many consumers do not recall being told about their firm's complaint procedure and about their rights to use the Legal Ombudsman, although most firms include this information in the client care letter as they are required to do. The research suggests that the information about the Legal Ombudsman could be made clearer.

Firms are also required to tell clients about the Legal Ombudsman at the end of their complaints procedure, but many surveyed firms do not do this. There is also a European Directive requiring firms to inform consumers about the option of using ADR services to resolve complaints,⁷⁹ and whether they agree to use them, but few firms do this.

9.1.2 Recommendations for firms

Manage consumer expectations by providing clear information about the legal work, costs and timescales at the start of the work, during the work and at the end of the work, and any factors that could affect these. This includes explaining why work may not be going as planned.

⁷⁹ DIRECTIVE 2013/11/EU, on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)

Provide accurate and timely information about complaints procedures, the Legal Ombudsman and ADR services, that meets their regulatory and legal requirements and helps clients who want to seek redress.

9.1.3 Recommendations for the SRA and/or the Legal Ombudsman:

Raise awareness of firms' obligation to tell consumers about their right to complain to the Legal Ombudsman at the start of the work, and at the end of the complaints process.

Raise awareness with firms of the importance that consumers place on receiving clear and timely information that is tailored to their needs.

9.2 Making a complaint

9.2.1 Conclusions

First tier complaints are mostly about work in conveyancing, wills and probate and family law. Most complaints are made in writing, although nearly half of complaints are made verbally to the solicitor or someone else in the firm.

The research confirms that there are a number of barriers to making a complaint, particularly for vulnerable consumers. The most common barriers relate to consumers having the confidence and information to make a complaint and in their perceptions of solicitors' fairness and likelihood of taking notice of their complaint. Additionally, some dissatisfied consumers approach the Legal Ombudsman because they want someone independent to look at their solicitor or firm's response to their complaint. Clearer information about the complaints process, as recommended above, will help consumers to better understand what to do if they are dissatisfied, and will help to reduce the barriers to making a complaint. Improved consumer understanding of how to make a complaint can provide firms with more opportunities to resolve expressions of dissatisfaction at the first tier and retain clients.

9.2.2 Recommendations for firms:

Provide clear and timely information to consumers about the complaints procedure that is tailored to their needs.

Offer consumers the option of their complaint being handled by someone else in the firm, other than the fee-earner, where possible.

9.2.3 Recommendations for the SRA and/or the Legal Ombudsman

Continue to educate and inform consumers about the role of the SRA and the Legal Ombudsman, including the role the Legal Ombudsman can play in independently resolving complaints at the second tier.

9.3 Identifying and recording complaints

9.3.1 Conclusion

Firms differ about recording verbal expressions of dissatisfaction as a complaint. They also differ in the complaint types they record against complaints, as they are interpreted differently.

Large firms and ABS firms are more likely to have guidance, and provide training for their staff, about identifying and managing complaints. This may be because larger firms tend to handle more matters, are more likely to receive complaints and, as they have more staff, may need more formal procedures to disseminate guidance.

9.3.2 Recommendations for firms

Consider including ways to identify and record complaints as part of training and internal guidance for staff.

9.3.3 Recommendations for the SRA and/or the Legal Ombudsman

Provide information to firms about how to best record complaint data, including defining the complaint types.

Raise awareness of information that helps consumers to raise complaints effectively, particularly for consumers who may be vulnerable.

9.4 Investigating and responding to complaints

9.4.1 Conclusion

There appears to be a mismatch in expectations and understanding between consumers and firms in regard to what a complaint is, and the time taken to respond to a complaint. Consumers may believe that a complaint has been made when they verbally express dissatisfaction. While the majority of firms (61%) report that they have received a verbal expression of dissatisfaction and recorded it as a complaint, 39% report that they did not record these expressions as a complaint. Further, one of the key barriers for firms in handling complaints effectively is identifying when a consumer is complaining. This is likely to lead to a situation in which consumers start counting the response time from their initial, often verbal, expression but firms may only start counting the response time from a client's formal letter of complaint.

Investigations tend to involve talking to the fee-earner and checking the file, as well as communicating with the complainant. Small firms tend to respond to complaints quicker than larger firms, which may be because they are closer to the work. Large firms are more likely to have a complaint handling team.

9.4.2 Recommendations for firms

When consumers start to express dissatisfaction, clearly communicate how this will be managed, the steps taken and the time frame for responding to the expression.

9.5 Resolving complaints

9.5.1 Conclusion

Over half of the surveyed firms found it hard to identify when a client wanted them to take action about their dissatisfaction. Most dissatisfied consumers wanted their firm to take action when they express their dissatisfaction. When dissatisfied consumers complain, they most frequently want an explanation or an apology. While explanations and apologies are the most frequently reported remedies offered by firms, over one-fifth of consumers say they did not receive these when they wanted them.

Over a third of surveyed consumers had had their complaint resolved by the firm. This reduced to almost a quarter for consumers that reported some level of disability. Less than half of the consumers that were dissatisfied with the outcome of the first tier complaint take it further. This is most commonly because they do not think it would be worth it or because they think it would be stressful.

Firms often tailor the remedy to each complaint, which is appropriate as the circumstances of each complaint will vary. Most firms did not have any guidance on remedies to refer to in their investigation. Remedy guidance can be useful to help steer the firm's response and provide some consistency for similar complaints. Using consumer feedback can help to better understand consumer expectations. Clear explanation to consumers on the steps taken when dissatisfaction is expressed can help to consumers to understand the process and they may be more likely to view it as fair.

9.5.2 Recommendations for firms

Be open with clients about the complaint process and ask what they are looking for to resolve their expression of dissatisfaction.

9.5.3 Recommendations for the SRA and/or the Legal Ombudsman

Provide information to firms on good practice about remedies that can be offered at the first tier.

9.6 Learning from complaints

9.6.1 Conclusion

Many firms stressed that it was important to be empathetic towards consumers, be approachable, open and constructive in their tone, and to treat complaints as a learning exercise. Firms generally see that handling complaints has benefits for their firm and for consumers. Firms learn about

consumer expectations, retain clients and improve their service delivery based on both complaints and other feedback they collect.

Different sized firms tend to have different ways of collecting feedback from their clients, and they may be able to learn from each other, improving complaints handling for all firms. For example, large firms are more likely to use feedback forms and check for online reviews; and small firms are more likely to measure levels of satisfaction by regularly talking to their client during the case.

Firms that have had complaints investigated through the Legal Ombudsman are more likely to tell consumers about their complaints procedure, and about the Legal Ombudsman at the end of the complaints process, than the firms that have no experience of the Legal Ombudsman. It is not clear from this research whether more timely information about complaints procedures and the Legal Ombudsman is caused by, or is simply related to, having experience of complaints progressing to the Legal Ombudsman. However, the benefits of giving consumers accurate, timely information about the Legal Ombudsman are twofold: it both meets the requirements on firms, and is helpful to consumers.

Most consumers thought it would be useful to see firms' complaints data and over a third of firms thought that publishing complaints data would show that they deliver a good service. Around a third of firms and consumers thought that any published complaints data would only be helpful if given some context, such as firm size and the type of work provided.

9.6.2 Recommendations for firms

Consider collecting feedback in different ways to understand consumer expectations: both throughout the case and by using feedback forms and online reviews at the end of the work.

9.6.3 Recommendations for the SRA and/or the Legal Ombudsman

Consider further research into the context (e.g. firm size and area of law) that consumers would find useful alongside any published complaints data.

Provide information to firms on good practice about how they can improve their complaint handling and service standards.

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ANNEXES

Annex 1 Methodology in detail

A1.1 Desk Research

A1.1.1 London Economics' methodology for conducting desk-based reviews

London Economics (LE) used a targeted desk review approach to ensure that all relevant literature feeds into the stakeholder interviews and quantitative surveys of firms and consumers.

The review had the following key steps:

- Determine the sources to be searched (e.g. type of literature/data to be covered by the search, or law types to be covered);
- Define the search approach, including databases to search and search keywords;
- Screen and select relevant documents; and
- Map, review, and analyse selected documents.

A1.1.2 Sources covered

LE drew on the following broad sources for the literature review:

- Academic and 'grey' (or unpublished literature), from academics or consultancies; and
- Official reports and regulator publications from e.g. the SRA, the Legal Services Board, the Ministry of Justice, the Legal Ombudsman, the Legal Services Consumer Panel etc.

The literature covered:

- Official reports on consumer complaints;
- Reports and data regarding consumer views on legal services, firm procedures and remedies; and
- Literature on the drivers of consumer behaviour and barriers faced when complaining. This literature could include related findings from the fields of psychology and behavioural economics that may shed light on consumer decision-making.

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A1.2 Survey of firms

A1.2.1 Sampling frame

The sample frame for the survey of firms was provided by the SRA. It consisted of named contacts who were responsible for or had detailed knowledge of their firm's complaints handling processes. After a period of data verification and cleaning the final sample frame consisted of 6,988 named contacts at solicitor firms based in England and Wales.

A1.2.2 Approach

The survey of solicitor firms was undertaken online using the YouGov survey system.

An initial email alert was sent by the SRA to each respondent to inform them of the upcoming research. In the weeks following this initial contact, each respondent was sent an email by YouGov, inviting them to take part in the survey. This email invite was addressed to each individual contact and outlined the purpose of the research and why respondents should take part.

The survey was piloted on the 6th April 2017 and following a review of the pilot feedback the survey was launched to the full sample on 11th April. Responses to the survey were monitored throughout the fieldwork period and three reminders were sent to respondents to encourage a greater response. The fieldwork closed on 8th May 2017 and in total 539 solicitor firms responded.

On the close of the fieldwork the final achieved sample was checked and verified. The achieved sample was broadly in line with the characteristics of the solicitor firm population. Weighting was applied by firm turnover to correct for small differences in the turnover profile of the achieved sample and the target population.

A weighted set of data tables were produced in MS Excel alongside a raw data file in SPSS.

A1.2.3 Questionnaire: firm survey

Research into the effectiveness of firm handling of first tier complaints

About this survey

The Solicitors Regulation Authority (SRA) and Legal Ombudsman have commissioned independent research agencies London Economics and YouGov to conduct research into complaints handling. Your answers will help them understand more about how law firms handle complaints. This is a chance for you to shape any changes needed to how the SRA regulate.

The Legal Ombudsman also want to support firms and their clients to improve complaints handling processes.

They recognise that receiving and handling complaints is part of operating a legal business. The objective of this survey is to gain your insight into the complaints processes and how these work.

Easy to complete

The survey is easy to complete and will take around 15 minutes. You can stop the survey at any point and return to the same point by clicking the link in the invitation email again. The survey will close on 28 April 2017.

Please try to provide your best estimate if you are unsure about the exact answer to any questions.

Your answers will be collected and reported on anonymously and no individual firm's data will be shared with the SRA or Legal Ombudsman. Please take this opportunity to input into this important piece of work.

Thank you in advance for your support.

You and your firm

1 What position do you hold in your firm? (select all that apply)

- a) Sole principal
- b) Partner/ Director/ Member
- c) Compliance Officer for Legal Practice
- d) Complaints Handling Partner
- e) Employee (other)

2 Thinking about the last financial year, approximately how many matters did your firm handle?

- a) 1-200
- b) 201-400
- c) 401-1,000
- d) 1,001-2,000
- e) 2,001-5,000
- f) 5,001-10,000
- g) 10,001 or more

3 What do you think are clients' key expectations for a good service from your firm? (select top three)

- a) Clear cost information
- b) Timeliness for progressing the case
- c) Responding to queries promptly

- d) Positive outcome/achieving their aim
- e) Affordable costs
- f) Regular updates on progress
- g) Clear explanation of legal process
- h) Use of plain English/clear communication
- i) Other (please specify)

Identifying and recording complaints

[Q3a Thinking about your current organisation, has your organisation ever received a complaint or any expression of dissatisfaction from a client?

<1>Yes – we have received a complaint or an expression of dissatisfaction

<2>No - we have never had a complaint or any expression of dissatisfaction

If Q3a=1,

4 How many complaints did your firm record in the last financial year?

- a) 0
- b) 1
- c) 2-5
- d) 6-10
- e) 11-20
- f) 21-50
- g) 51-100
- h) 100+

If Q3a=1,

5 When recording the number of complaints, which of the following does your firm identify as a complaint? (select all that apply)

- a) Expression of dissatisfaction verbally to the fee earner
- b) Expression of dissatisfaction verbally to other client-facing staff
- c) Expression of dissatisfaction in writing (including email)

- d) Expression of dissatisfaction through other media, such as text or messaging apps
- e) When someone tells the fee earner that they want to make a complaint
- f) When someone makes a formal written complaint
- g) Other (please specify)

[Q5b] Has your organisation received any of the following and if so does your organisation record them as a complaint or not?

- a) Expression of dissatisfaction verbally to the fee earner
- b) Expression of dissatisfaction verbally to other client-facing staff
- c) Expression of dissatisfaction in writing (including email)
- d) Expression of dissatisfaction through other media, such as text or messaging apps
- e) Someone telling the fee earner that they want to make a complaint
- f) Someone making a formal written complaint
- g) Other

Ask to all who said 'other' to Q5b

[Q5c] You said that your organisation had received an 'other' type of complaint or expression of dissatisfaction, can you tell us what that was?

If Q3a=1,

6 What are the five most common types of complaints, or reasons for expressions of dissatisfaction, your firm receives from your clients? (Please select up to five)

- a) Conduct
- b) Costs information deficient
- c) Costs excessive
- d) Criminal activity
- e) Data protection
- f) Delay
- g) Discrimination
- h) Failure to advise
- i) Failure to comply with agreed remedy
- j) Failure to follow instructions
- k) Failure to investigate complaint internally
- l) Failure to keep informed

- m) Failure to keep papers safe
- n) Failure to progress
- o) Other (please specify)

If Q3a=1,7 The areas of law listed below are those that generate the most complaints in the legal market. Approximately, what percentage of client complaints, or expressions of dissatisfaction, in your firm are in the following areas of law?

Note: If your firm specialises in one area of law, please state 100% in that area.

- a) Family
- b) Wills and probate
- c) Personal injury
- d) Residential conveyancing
- e) Litigation
- f) Criminal
- g) Asylum and immigration
- h) All other areas

8 Does your firm have a complaints procedure?

- a)yes
- b)no

8b if 8= b: Please tell us why your firm does not have a complaints procedure (select all that apply)

- a) We have never had a complaint
- b) We always deal with concerns or complaints informally
- c) Complaints are dealt with on a case by case basis
- d) Everyone in our firm knows how to handle complaints
- e) Other (please specify)

9 Does your firm have guidance to help staff identify a complaint? (select all that apply)

- a) Yes for complaint handling staff
- b) Yes for fee earners
- c) Yes for all client facing staff

d) None

9b. 9b. if 9=a,b,c. How is this communicated to staff? (select all that apply)

a) Through training sessions

b) An email reminder

c) Written policies

d) Signs around office

e) Other (please specify)

If Q3a=1,10 When an expression of dissatisfaction does not progress into the complaints procedure, how is it handled? (select all that apply)

a) An explanation to the client regarding their concern/s

b) Agreement to progress the client's case within an agreed timeframe

c) Returning the client's documents

d) Non-financial gesture (eg. chocolates/flowers)

e) An apology

f) Completion or correction of work, free of charge

g) Compensation for distress or inconvenience

h) Compensation for financial loss

i) A complete or partial refund of fees

j) Other [please specify]

Handling complaints

11 When are clients informed how to complain to your firm? (select all that apply)

a) In writing at the outset of the matter

b) Verbally at the outset of the matter

c) When they express dissatisfaction

d) When they say they want to make a complaint

e) In writing at the end of the matter

f) Our complaints procedure is on our website

g) Clients are not specifically informed

h) Other (please specify)

12 Which of the following are available for your clients to make a complaint that will invoke your firm's complaints procedure? (select all that apply)

a) Verbally

b) In writing

c) Over the telephone

d) Through social media

e) Through text messages or messaging apps e.g. WhatsApp

f) We do not have a complaints procedure

g) Other (please specify)

13 Can you briefly describe your complaint procedure or process, or equivalent (for example, what are the different stages your clients are taken through and what steps are taken by your firm to resolve the complaint (eg. how it is escalated or how are remedies agreed, where applicable)?

14 Are clients charged for the time taken to handle their complaint?

a) Yes, but only if it is not being dealt with through our complaint procedure (or equivalent)

b) Yes, all costs related to complaints are charged

c) Yes, some costs related to complaints are charged (eg. photocopying)

d) No, we never charge for dealing with complaints

15 In your firm, who initially assesses a complaint? Single

a) the fee earner

b) sole principal

c) the complaints handling partner

d) the COLP/COFA

e) the complaints handling team

f) a senior partner

g) an independent third party, with client's consent

h) other (please specify)

16 In your firm, who initially responds to a client about their complaint? Single

- a) the fee earner
- b) sole principal
- c) the complaints handling partner
- d) the COLP/COFA
- e) the complaints handling team
- f) a senior partner
- g) an independent third party, with client's consent
- h) varies according to the type of complaint
- i) other (please specify)

If Q3a=117 In your firm, what is the average time taken to provide the final response to the complaint?

- a) within one week
- b) within two weeks
- c) within four weeks
- d) within eight weeks
- e) within twelve weeks
- f) more than twelve weeks

18 Does your firm have guidelines for how the firm should investigate complaints? (select all that apply)

- a) Yes, we suggest which documents should be referred to in the investigation
- b) Yes, we set out how to deal with complaints from clients who may be vulnerable
- c) Yes, we set out key milestones for contacting our clients
- d) Yes, we set out how to escalate the complaint through our process
- e) No, complaints are dealt with on a case by case basis
- f) No, different fee earners or complaint handlers have different ways of investigating a complaint

g) Other (please specify)

19 Does your firm's complaints procedure set out guidelines for appropriate remedies? Single

a) Yes

b) No

20 How important do you consider the following to be when deciding on the appropriate remedy?

a) Nature of the complaint (eg. delay, cost information, or not following instructions)

b) Internal discussion following investigation of a complaint

c) Relationship with the client and flexibility on both sides to resolve

d) Client's circumstances and possible vulnerabilities

e) Complexity of the matter

f) Internal resource being used on the complaint

g) Previous complaints of a similar nature

h) Legal Ombudsman's time limits

i) Legal Ombudsman's guidance on appropriate remedies

j) Advice from another party (eg. Legal Ombudsman or another firm)

k) Taking into account the Legal Ombudsman's case fee

l) Other [please specify]

If Q3a=121 What remedies does your firm most frequently offer to try to resolve complaints?

a) An explanation to the client regarding their concern/s

b) Agreement to progress the client's case within an agreed timeframe

c) Returning the client's documents

d) Non-financial gesture (eg. chocolates/flowers)

e) An apology

f) Completion or correction of work, free of charge

g) Compensation for distress or inconvenience

h) Compensation for financial loss

i) A complete or partial refund of fees

j) Other [please specify]

If Q3a=1,

22 What are the top five remedies that lead to the complaint being resolved within your firm?

a) An explanation to the client regarding their concern/s

b) Agreement to progress the client's case within an agreed timeframe

c) Returning the client's documents

d) Non-financial gesture (eg. chocolates/flowers)

e) An apology

f) Completion or correction of work, free of charge

g) Compensation for distress or inconvenience

h) Compensation for financial loss

i) A complete or partial refund of fees

j) Other [please specify]

23 In your firm, who provides the final response to a complaint? Single

a) the fee earner

b) sole principal

c) the complaints handling partner

d) the COLP/COFA

e) the complaints handling team

f) a senior partner

g) outsourced to an independent complaints assessor

h) varies according to the type of complaint

i) other

24 When does your firm inform clients about the option of using the Legal Ombudsman? (select all that apply)

a) In writing at the outset of the matter

- b) Verbally at the outset of the matter
- c) When they express dissatisfaction
- d) When they say they want to make a complaint
- e) In writing at the end of the matter
- f) Clients are not specifically informed
- g) In writing at the end of our complaints procedure
- h) At the end of our complaints procedure, only when a client's complaint is unresolved
- i) The information is presented on our website
- j) Other [please specify]

If Q3a=1,25 What percentage of clients complaining to your firm take their complaint to the Legal Ombudsman?

<10>0%

<1> 1-10%

<2> 11-20%

<3> 21-30%

<4> 41-50%

<5> 51-60%

<6> 61-70%

<7> 71-80%

<8> 81-90%

<9> 91-100%

26 Does your firm give clients the option of using Alternative Dispute Resolution (ADR) providers? Single

- a) We tell clients about them and we use the services of some ADR providers
- b) We tell clients about them, but we do not use the services of ADR providers
- c) We do not tell clients about them

If Q3a=1,27 What percentage of clients complaining to your firm use an ADR provider?

<10>0%

<1> 1-10%

<2> 11-20%

<3> 21-30%

<4> 41-50%

<5> 51-60%

<6> 61-70%

<7> 71-80%

<8> 81-90%

<9> 91-100%

If Q3a=1,28 What percentage of clients complaining to your firm take their complaint to court?

<10>0%

<1> 1-10%

<2> 11-20%

<3> 21-30%

<4> 41-50%

<5> 51-60%

<6> 61-70%

<7> 71-80%

<8> 81-90%

<9> 91-100%

If Q3a=1,

29 Which of the following most frequently cause difficulties when handling complaints? (rank all in order of frequency)

- a) We try to avoid giving a formal apology
- b) It can be difficult to identify when a client is expressing dissatisfaction that may turn into a complaint, or when (s)he is 'grumbling'
- c) It can be difficult to identify appropriate remedies
- d) It is difficult to dedicate resources to handling complaints

- e) Clients can sometimes have unrealistic expectations about their case/the process
- f) It is not always clear how to interpret the guidance from the Legal Ombudsman and the SRA
- g) It is sometimes easier to offer compensation to the client rather than pay the Legal Ombudsman's case fee
- 30 What do you think are the top three reasons that might stop a client from making a complaint to solicitor firms? (select three reasons)
- a) They do not know how to make a complaint
- b) They think it might take a long time to make a complaint
- c) They think it will cost them a lot to complain
- d) They think the complaints procedure is too complex
- e) They think it might affect their relationship with their solicitor
- f) They feel nervous about approaching their solicitor
- g) They think their solicitor knows more than they do
- h) They think it might delay their case
- i) They think it might affect the outcome of their case
- j) They are already under emotional strain from their circumstances or case
- k) Other (please specify)

Using complaint information

The following questions ask about how information about complaints are used in the firm.

- 31 What do you think are the business benefits of complaints? (select all that apply)
- a) There are no business benefits
- b) To improve internal systems
- c) To improve service delivery
- d) To improve the complaint process
- e) To understand client's expectations
- f) Provides a chance to improve the firm's reputation
- g) Provides a chance to improve client retention
- h) There are future cost savings

i) Other (please specify)

If Q3a=1,

32 How does your firm use information from complaints to improve your service, systems and complaints process?

33 Other than through complaints, how else does your firm receive feedback from clients to measure levels of satisfaction? (select all that apply)

- a) We give all clients a feedback form
- b) Fee earners ask for feedback verbally at the end of a case
- c) They regularly talk to us throughout a case
- d) We check for online reviews
- e) No other form of feedback

34 The Competition and Markets Authority has recommended that potential clients have access to more information about solicitors. What is your opinion on the possibility of providing information about the number and types of complaint you receive? (select all that apply)

- a) It would help my firm to compare our service standards with others'
- b) It would help consumers to compare our service standards with others'
- c) It would be helpful, but only if set against the context of the size of our firm and type of our work
- d) It would demonstrate that we deliver a good standard of service
- e) I don't believe it would be helpful
- f) Other (please specify)

35 What would make complaints handling more effective for solicitor firms and their clients in general? (select all that apply)

- a) Providing more information to clients at the outset and during their matter
- b) Ongoing client care to ensure high standards of service
- c) Having more online information for clients about legal matters
- d) Having more online information for clients about complaints procedures
- e) Helping staff to be more approachable to clients
- f) Knowing which remedy would be the best to offer
- g) Training on how to respond to dissatisfied clients before they make formal complaints

- h) Training on how to identify and manage complaints
- i) Hearing about best practice from other firms
- j) More guidance from the SRA and Legal Ombudsman on best practice
- k) Other [please specify]

Would you be interested in being contacted for a second stage of research which would involve you taking part in a 45 minute telephone interview with a YouGov or SRA researcher, on the topic of complaints handling?

The 45 minute telephone interview will take place at a time most convenient for you between 9am-7pm, Monday to Friday over the next 6 weeks. Your personal details will not be attributed to anything you share during this interview and you will remain anonymous.

Please note that registering your interest to take part does not guarantee you will be selected for the second stage of research, but it does ensure that you will be shortlisted. If you are selected to take part we will be in touch, via email, with further information over the next couple of weeks.

Would you be interested in taking part in a second stage of research and take part in a telephone interview?

<1> Yes, I am interested and willing

<2> No, I am not interested and / or not willing

A1.3 Survey of consumers: premature complainants

A1.3.1 Sampling frame

The sample frame for the survey of premature complainants was provided by the Legal Ombudsman. The sample consisted of two groups:

- 1) Premature complainants - complaints received between 1 January 2015 and 7 March 2017
- 2) Returning premature complainants (i.e. premature complainants who made a complaint to their solicitor and then returned to the Legal Ombudsman when they were unhappy with the firm's response to their complaint) – complaints received between 1 January 2015 and 3 April 2017

YouGov cleaned and verified the sample files to remove any inactive email addresses. The final sample frame consisted of 12,198 premature complainants and 991 returning premature complainants.

A1.3.2 Approach

The research with premature complainants was also undertaken online using the YouGov survey system.

Each respondent was sent an email invite to take part in the survey. This email invite was addressed to each individual contact and outlined the purpose of the research and why respondents should take part.

The survey was piloted in June 2017 and following a review of the pilot feedback the survey was launched to the full sample in June 2017. Responses to the survey were monitored throughout the fieldwork period and reminders were sent to respondents to encourage a greater response. The fieldwork closed on July 7th.

On the close of the fieldwork the final achieved sample was checked and verified.

A weighted set of data tables were produced in MS Excel alongside a raw data file in SPSS.

A1.3.3 Questionnaire: premature complainants

Research into complaints handling

About this survey

The Solicitors Regulation Authority (SRA) and Legal Ombudsman have commissioned independent research agencies London Economics and YouGov to conduct research into complaints handling. Your answers will help them to understand more about how law firms handle complaints and take action where needed.

We are very keen to hear your experience of making a complaint about a law firm.

Easy to complete

The survey is easy to complete and will take around 15 minutes. You can stop the survey at any point and return to the same point by clicking the link in the invitation email again. The survey will close on ____.

Your answers will be collected and looked at anonymously by YouGov and London Economics. No-one will be identified. The results will be published on the SRA website.

Thank you in advance for your support.

Perceptions of what constitutes good service

Q1. What are the five most important things you expect from a solicitor? Please select up to 5.

1. Clear information about costs
2. Clear explanation of the legal process
3. Use of plain English/communicating clearly
4. Clear information on how to complain
5. Regular updates on progress
6. Responding to queries promptly
7. A professional manner
8. Good interpersonal skills

9. Legal knowledge and experience
10. Making progress on the work on time
11. Affordable costs
12. A positive outcome for my case or work
13. Other (please specify)

The next set of questions asks about your own experiences regarding complaints about your solicitor's work. Specifically, we would like to know about the legal issue and the solicitor that you most recently contacted the Legal Ombudsman about.

[ask to all]

Area of law in which the complaint was related to?

Q2. Which legal service was being provided by the solicitor? 1. Conveyancing (i.e. legal work involving buying, selling or transferring property)

2. Will writing
3. Probate (i.e. legal process of managing the estate of a deceased person by resolving all claims and distributing the deceased person's property under a valid will)
4. Family matters
5. Accident or injury claims
6. Any offences or criminal charges
7. Immigration and asylum matters
8. Power of attorney (i.e. a legal document allowing one person to act on behalf of another)
9. Litigation
10. Other (please specify)

Type of client (whether personal or business)

Q3. Was the legal work for a personal or business issue?

1. Personal
2. Business

Reason for complaint

Q4. Why were you dissatisfied with the legal service provided by your solicitor? Please select all that apply.

1. I wasn't kept up to date on progress
2. I didn't receive a response when I asked for information about the case or costs
3. I wasn't given enough information about costs of the service
4. The solicitor didn't release my papers to me
5. The solicitor didn't do some work that I asked them to do
6. I wasn't treated well by staff
7. I felt I was being discriminated against
8. The solicitor didn't seem to know what he or she was doing
9. The solicitor made mistakes dealing with the work
10. Legal advice seemed to be wrong
11. My personal information was misused
12. The solicitor did not keep my papers safe
13. The solicitor did not move the work forward
14. The solicitor caused delays
15. I thought I was overcharged for the work
16. I thought the solicitor breached their professional Code of Conduct
17. I suspected that the solicitor might have behaved illegally
18. The outcome of the work was not what I expected
19. Other (please specify)

Did they complain to their solicitor?

Q5. Thinking about the legal issue you most recently contacted the Legal Ombudsman about, did you raise your dissatisfaction with your solicitor/ solicitor's firm before you first contacted the Legal Ombudsman?

Yes

No

If Yes at Q5 then ask Q6, if No then ask Q7

Q6 if Q5=1. How did you raise your dissatisfaction with your solicitor/ solicitor's firm?

1. Verbally told my solicitor

2. Verbally told another person in the firm
3. In writing to my solicitor (letter or email)
4. In writing to another person in the firm (letter or e-mail)
5. Sent a text message/other messaging app (e.g. Whatsapp) to my solicitor
6. Wrote a formal letter/email of complaint to the solicitor or the firm
7. Other

Q6a if Q5=1 . What did you expect when you first raised your dissatisfaction?

1. It was a complaint that I wanted them to resolve
2. It was a general comment that I hoped would improve the service
3. It was a general comment that I did not expect any response to

If 1 at Q6a go to question 8. If 2 or 3 at Q6a go to Q9

Q7 if Q5=2. Why didn't you raise your dissatisfaction with your solicitor before contacting the Legal Ombudsman? Please select all that apply.

1. I didn't know that I could make a complaint to the solicitor
2. I didn't know how to make a complaint to the solicitor
3. I didn't understand the solicitor's complaints procedure
4. I was put off by having to make a written complaint to the solicitor
5. I thought I could use the Legal Ombudsman without making a complaint to the solicitor first
6. I had no confidence it would be resolved fairly by the solicitor
7. I didn't think they would take any notice of my complaint
8. I thought that it might cost me more
9. I thought it might make the situation awkward
10. I didn't want the solicitor to think I was being ungrateful for the work they were doing
11. I thought they might take longer to complete the work
12. I thought it would be stressful
13. I thought it might have a negative impact on the outcome of my case
14. I wanted someone independent to look at my complaint

15. The solicitor had repeatedly made mistakes
16. I wanted the Legal Ombudsman to take action against the solicitor
17. Other (please specify)

Go to Q11.

Q8 if Q6a=1. What did you want your solicitor to do to address your complaint? Please select all that apply

1. Provide an explanation about my concern/s
2. Agree to progress my work
3. Agree on a timeframe to complete my work
4. Return my documents
5. An informal gesture (e.g. chocolates/flowers)
6. An apology
7. Complete or correct work, free of charge
8. A complete or partial refund of fees
9. Compensation for distress or inconvenience
10. Compensation for financial loss I had suffered
11. Other [please specify]

Q9 if Q6a=1 to 3. Which of the following best describes your solicitor's response when you expressed your complaint? Please select all that apply

1. They didn't respond
2. They told me about their complaints procedure
3. They responded, but used language that I couldn't understand
4. They provided an explanation about my concern/s
5. They offered to return my documents
6. They promised to progress my work
7. They agreed on the timeframe to complete my work
8. They sent me an informal gesture i.e. chocolates or flowers or a card
9. They apologised

10. They promised to complete or correct the work, free of charge
11. They offered compensation for financial loss I had suffered
12. They offered compensation for distress or inconvenience
13. They offered to reduce their bill
14. They offered a complete or partial refund of fees
15. They didn't agree with my complaint and offered no resolution
16. They didn't agree with my complaint but offered me compensation to resolve it
17. Other (please specify)

Q10 if Q5 ==1. After you raised your dissatisfaction, how long did you wait for your solicitor/solicitor's firm to give their final response before going to the Legal Ombudsman?

1. Between 1 and 2 weeks
2. Between 3 to 4 weeks
3. Between 5 and 6 weeks
4. Between 7 and 8 weeks
5. More than 8 weeks
6. I don't know/ can't remember

Go to Q11.

Q11. Why did you decide to contact the Legal Ombudsman? Please select all that apply.

1. My solicitor took too long to resolve my complaint
2. I thought it was the only way to resolve my complaint
3. I was told by the solicitor to use them
4. I have used them in the past
5. I read on their website they resolve complaints about solicitors
6. The solicitor's response was rude or aggressive
7. The solicitor's response didn't address my complaint
8. The solicitor didn't change their behaviour
9. The solicitor kept making the same mistakes

10. They offered compensation that I thought was too low
11. I wanted somebody independent to look at the solicitor's response
12. I wanted somebody to take action against the solicitor
13. The solicitor didn't investigate my complaint
14. The solicitor didn't agree with my complaint
15. The solicitor offered a solution and then didn't carry it out
16. Other (please specify)

Go to Q12 for PREMATURE COMPLAINANTS ONLY. Go to Q25 for RETURNING PREMATURE COMPLAINANTS ONLY

Q12. Since contacting the Legal Ombudsman, did you go back and complain to your solicitor?

1. Yes
2. No

If Yes Ask Q13.

If No Ask Q24.

Q13. When you went back and complained to your solicitor, how did you make your complaint to your solicitor? Please select all that apply

1. Verbally told my solicitor
2. Verbally told another person in the solicitor's firm
3. In writing to my solicitor (letter or email)
4. In writing to another person in the solicitor's firm (letter or email)
5. Sent a text message/other messaging app e.g. Whatsapp to my solicitor
6. Wrote a formal letter/email of complaint to the solicitor or the firm
7. Other – please specify

Q14. When you went back and complained to your solicitor, what did you want your solicitor to do to resolve your complaint? Please select all that apply.

1. Provide an explanation about my concern/s
2. Agree to progress my work
3. Agree on a timeframe to complete my work

-
4. Return my documents
 5. An informal gesture (e.g. chocolates/flowers)
 6. An apology
 7. Complete or correct work, free of charge
 8. A complete or partial refund of fees
 9. Compensation for distress or inconvenience
 10. Compensation for financial loss I had suffered
 11. Other [please specify]

Q15. How did your solicitor/ solicitor's firm respond when you went back and complained? Please select all that apply

1. They didn't respond
2. They told me about their complaints procedure
3. They responded, but used language that I couldn't understand
4. They provided an explanation about my concern/s
5. They offered to return my documents
6. They promised to progress my work
7. They agreed on the timeframe to complete my work
8. They sent me an informal gesture (e.g. chocolates/ flowers)
9. They apologised
10. They promised to complete or correct the work, free of charge
11. They offered compensation for financial loss I had suffered
12. They offered compensation for distress or inconvenience
13. They offered to reduce their bill
14. They offered a complete or partial refund of fees
15. They didn't agree with my complaint and offered no resolution
16. They didn't agree with my complaint but offered me compensation to resolve it
17. Other (please specify)

If 1 at Q15 go to Q20. Else go to Q16.

Q16 if not Q15=1. How long did it take for your solicitor to give their final response to your complaint?

1. Between 1 and 2 weeks
2. Between 3 to 4 weeks
3. Between 5 and 6 weeks
4. Between 7 and 8 weeks
5. More than 8 weeks
7. I don't know/ can't remember

Q17 if not Q15=1. Did your solicitor/ solicitor's firm charge you for the time taken to handle your complaint?

1. Yes
2. No
3. Don't know

Q18 if not Q15=1. Has your complaint been resolved to your satisfaction by your solicitor/ solicitor's firm?

1. Yes
2. No
3. It is still ongoing

If 1 at Q18 go to Q19. If 2 at Q18 go to Q20. If 3 at Q18 go to Q29.

Q19 if Q18=1. What was the resolution to your complaint? Please select all that apply

1. An explanation about my concern/s
2. Agreement to progress my work
3. Agreement on a timeframe to complete my work
4. Return of my documents
5. An informal gesture (e.g. chocolates/flowers)
6. An apology
7. Completion or correction of the work free of charge

8. A complete or partial refund
9. Compensation for distress or inconvenience
10. Compensation for financial loss I had suffered
11. Other (please specify)

Go to Q29.

Q20 if Q15=1 or Q18=2. Have you taken, or do you plan to take, your complaint any further?

1. Yes, I plan to take it further
2. Yes, I have taken it further
3. No

Q21 if Q20=1 or 2. Have you taken, or do you plan to take, your complaint to any of the following?
Please select all that apply

1. Back to the Legal Ombudsman
2. An Alternative Dispute Resolution service
3. The Solicitors Regulation Authority
4. A court/tribunal
5. Other (please specify) (Hold position)

Ask Q22

Q22 if Q20=1 or 2. Why have you taken, or do you plan to take, your complaint further? Please select all that apply.

1. My solicitor/ solicitor's firm took too long to resolve my complaint
2. I thought it was the only way to resolve my complaint
3. I was told by the solicitor/ solicitor's firm to use them
4. I have used them in the past
5. I read online they resolve complaints against solicitors
6. The solicitor's/ solicitor's firms response was rude or aggressive
7. The solicitor's/ solicitor's firms response didn't address my complaint
8. The solicitor/ solicitor's firm didn't change their behaviour
9. The solicitor/ solicitor's firm kept making the same mistakes

10. The solicitor/ solicitor's firm offered compensation that I thought was too low
11. I wanted somebody independent to look at the solicitor's/ solicitor's firms response
12. I wanted somebody to take action against the solicitor/ solicitor's firm
13. The solicitor/ solicitor's firm didn't investigate my complaint
14. The solicitor/ solicitor's firm didn't agree with my complaint
15. The solicitor/ solicitor's firm offered a solution and then didn't carry it out
16. Other (please specify) (Hold position)

Go to Q29

Q23 if Q20=3. Why don't you plan on taking your complaint any further? Select all that apply.

1. I don't know how to
2. I don't think it would be worth it
3. I don't have time
4. I think that it might end up costing me more
5. I think that it might affect the work my solicitor is doing for me
6. I think it will be stressful
7. Other (please specify)

Go to Q29

Q24 if Q12=2. Why didn't you go back to your solicitor to complain? Select all that apply.

1. I didn't know that I could make a complaint to the solicitor
2. I didn't know how to make a complaint to the solicitor
3. I didn't understand the solicitor's complaints procedure
4. I was put off by having to make a written complaint to the solicitor
5. I had no confidence it would be resolved fairly by the solicitor
6. I didn't think they would take any notice of my complaint
7. I thought that it might cost me more
8. I thought it might make the situation awkward
9. I didn't want the solicitor to think I was being ungrateful for the work they were doing

10. I thought they might take longer to complete the work
11. I thought it would be stressful
12. I thought it might have a negative impact on the outcome of my case
13. I wanted someone independent to look at my complaint
14. The solicitor had repeatedly made mistakes
15. I wanted the Legal Ombudsman to take action against the solicitor
16. Other (please specify)

Q25 for RETURNING PREMATURES ONLY. Respondents are taken to this question after answering Q11.

Q25. When the Legal Ombudsman advised you to go back and make a formal complaint to the solicitor what did you do? Please select all that apply

1. Verbally told my solicitor
2. Verbally told another person in the solicitor's firm
3. Complained in writing to my solicitor (letter or email)
4. Complained in writing to another person in the solicitor's firm (letter or email)
5. Sent a text message/other messaging app (e.g. Whatsapp) to my solicitor
6. Wrote a formal letter/email of complaint to the solicitor or the firm
17. Other (please specify)

Q26. What did you want your solicitor/ solicitor's firm to do to resolve your complaint? Please select all that apply.

1. Provide an explanation about my concern/s
2. Agree to progress my work
3. Agree on a timeframe to complete my work
4. Return my documents
5. An informal gesture (e.g. chocolates/flowers)
6. An apology
7. Complete or correct the work free of charge
8. A complete or partial refund of fees

9. Compensation for distress or inconvenience
10. Compensation for financial loss I had suffered
11. Other [please specify]

Q27. Which of the following best describes your solicitor's response to your complaint? Please select all that apply

1. They didn't respond
2. They took too long to respond
3. They told me about their complaints procedure
4. They responded, but used language that I couldn't understand
5. They provided an explanation about my concern(s)
6. They offered to return my documents
7. They promised to progress my work
8. They agreed on the timeframe to complete my work
9. They sent me an informal gesture (e.g. chocolates/flowers)
10. They apologised
11. They promised to complete or correct the work, free of charge
12. They offered compensation for financial loss I had suffered
13. They offered compensation for distress or inconvenience
14. They offered to reduce their bill
15. They offered a complete or partial refund of fees
16. They didn't agree with my complaint and offered no resolution
17. They didn't agree with my complaint but offered me compensation to resolve it
18. Other (please specify)

Q28. Why did you contact the Legal Ombudsman about the complaint a second time? Please select all that apply.

1. My solicitor took too long to resolve my complaint
2. I thought it was the only way to resolve my complaint
3. I was told by the solicitor to use them

4. The solicitor's response was rude or aggressive
5. The solicitor's response didn't address my complaint
6. The solicitor didn't change their behaviour
7. The solicitor kept making the same mistakes
8. They offered compensation that I thought was too low
9. I wanted somebody independent to look at the solicitor's response
10. I wanted somebody to take action against the solicitor
11. The solicitor didn't investigate my complaint
12. The solicitor didn't agree with my complaint
13. The solicitor offered a solution and then didn't carry it out
14. Other (please specify)

Awareness of rights and protections

ASK ALL

Q29. At what point (if any) were you told about your solicitor's complaints procedure?

1. In writing at the start of the work
2. Verbally at the start of the work
3. Verbally at the end of the work
4. if Q5==1 or Q13==1 When I first said I was dissatisfied
5. if Q5==1 or Q13==1 When I said I wanted to make a complaint
6. In writing at the end of the work
7. Other (please specify)
8. Don't know/can't remember
9. I wasn't told about the complaints procedure

Q30. The Legal Ombudsman is an independent service that can resolve complaints about solicitors. At what point (if any) did your solicitor tell you about the Legal Ombudsman?

1. In writing at the start of the work
2. if Q5==1 or Q13==1 When I first said that I was dissatisfied

3. if Q5==1 or Q13==1 When I first made a complaint
4. In writing at the end of the work
5. if Q5==1 or Q13==1 In their final response to my complaint
6. Other (please specify)
7. Don't know/can't remember
8. I wasn't told about the Legal Ombudsman

Ask all Q31 except if 6 at Q30. If 6 at Q30 go to Q30a then Q34.

Q30a if Q30=6 or 8: How did you hear about the Legal Ombudsman? Please select all that apply

1. Online search
2. Word of mouth
3. Newspaper, radio or TV
4. Social media

Consumer/ advice organisation (eg. Citizen's Advice)

5. Other (please specify)

Go to Q34

Q31 if not Q30=6 and not Q30=8 Did your solicitor tell you whether there were any time limits for going to the Legal Ombudsman?

1. Yes
2. No
3. Don't know/can't remember

If 1 at Q31 go to Q32. If 2 or 3 at Q31 go to Q34

Q32 if Q31=1. Were the time limits clearly explained to you?

1. Yes
2. No

Go to Q34

Q34. Did your solicitor give you any information about Alternative Dispute Resolution services, which are third parties who can help to resolve complaints about solicitors, other than the Legal Ombudsman?

1. I was told about these services and my solicitor said they use some
2. I was told about these services but my solicitor refused to use any
3. I was not told about these services
4. I was told about these services but I am unsure if the solicitor uses them
5. Don't know/can't remember

Go to Q35

How could complaints handling be improved?

Q35 What can solicitors do to improve the way they deal with consumers and their complaints?
Please select all that apply

1. Provide more information to consumers at the beginning
2. Provide improved care to consumers throughout the work
3. Have more information online for consumers about legal work
4. Have more information online for consumers about complaints procedures
5. Ensure all staff in the firm are approachable
6. Provide more information about the possible remedies that are available to dissatisfied consumers
7. Improve the way that staff respond to dissatisfied consumers before they make a complaint
8. Improve the way staff respond to complaints
9. Respond to complaints quicker
10. Other (please specify)

Q35a: Did your solicitor ask for your feedback on their service? (multiple, randomise) Please select all that apply

- a) They gave me a feedback form
- b) They asked me verbally at the end of the work
- c) They asked regularly throughout the work
- d) They invited me to provide an online review
- e) No

Go to Q36

Policy questions

Q36. What is your opinion on the possibility of having access to information about the number and types of complaints each solicitor firm receives? Please select all that apply

1. It would help me to compare the service standards of solicitor firms
2. It would help solicitor firms to compare their service standards against each other
3. It would be helpful but I would also want to know the size of the solicitor firm and type of work they do
4. It would help solicitor firms to show they deliver a good standard of service
5. I don't believe it would be helpful

Go to Q37

Q37. Which of the following best describes how you funded the legal assistance you were dissatisfied with?

1. I paid for it myself
2. I paid for it with the help of friends and family
3. I paid for it through a loan or credit cards
4. Through legal aid
5. It was free
6. No win - no fee
7. Don't know/can't remember
8. Prefer not to say

Go to socio-demographic questions for premature complainants and returning premature

Socio-demographic questions

We will now ask a few questions, to see how people's experiences of the complaints process differ by factors such as age, gender, life experiences or other factors. We would like to assure you that all answers will be treated as confidential and will only be analysed at an aggregate, not individual, level.

QSD1a. What is your gender?

1. Male
2. Female
3. Other

4. Prefer not to say

QSD1b. How old are you?

1. 18-24
2. 25-34
3. 35-44
4. 45-54
5. 55-64
6. 65 years and over
7. Prefer not to say

ask all

QSD1c. To which of these ethnic groups do you consider you belong?

- a. White
- b. Asian or Asian British
- c. Black or Black British
- d. Chinese
- e. Mixed
- f. Other ethnic background
- g. Prefer not to say

QSD2. Is English your first language?

2. Yes
3. No
4. Prefer not to say

QSD3. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

1. Yes, limited a lot
2. Yes, limited a little

3. No
4. Prefer not to say

If 1 or 2 at QSD3 then go to QSD3a

QSD3a (Show if 1 or 2 at QSD3). What types of impairment do you consider that you have?

1. Hearing
2. Visual
3. Physical/mobility
4. Learning disability
5. Mental health
6. Other
7. Prefer not to say

QSD4. Which of the following options best describes how you think of yourself?

- a. Heterosexual / straight
- b. Gay / lesbian
- c. Bisexual
- d. Transgender
- e. Other
- f. Prefer not to say

QSD5. What is your current marital or relationship status?

1. Married
2. In a civil partnership
3. Separated but still legally married or in a civil partnership
4. Living with a partner but neither married nor in a civil partnership
5. In a relationship, but not living together
6. Single
7. Divorced
8. Widowed

9. Prefer not to say

Go to SD6

[QSD6] Which, if any, have happened in the past two years? Please select all that apply

<1> Got engaged

<2> Got married

<3> Had a child

<4> Got a new job

<5> Lost a job

<6> Bought a house

<7> End of a relationship

<8> Got divorced

<9> Experienced bereavement

<10> Adopted a child

<14> Been a carer for another adult

<15> Had limited or no access to the internet

<16> Claiming benefits

<11> Moved to a new country

<12> None of the above

<13> Prefer not to say

Go to SD2

Economic demographics

QSD7. What is the highest educational or work-related qualification you have?

1. No formal qualifications
2. Qualifications below degree level
3. Degree level or higher
4. Prefer not to say

QSD8. Please tell us which one of the following options best describes the sort of work you do. (If you are not working now, please tell us what you did in your last job.)

1. Professional or higher technical work / higher managerial - work that requires at least degree-level qualifications (e.g. doctor, accountant, schoolteacher, university lecturer, social worker, systems analyst)
2. Manager or Senior Administrator / intermediate managerial / professional (e.g. company director, finance manager, personnel manager, senior sales manager, senior local government officer)
3. Clerical/junior managerial/professional/administrator (e.g. office worker, student doctor, sales person, clerk, secretary, student teacher)
4. Sales or Services (e.g. commercial traveller, shop assistant, nursery nurse, care assistant, paramedic)
5. Foreman or Supervisor of Other Workers (e.g. building site foreman, supervisor of cleaning workers)
6. Skilled Manual Work (e.g. plumber, electrician, fitter)
7. Semi-Skilled or Unskilled Manual Work (e.g. machine operator, assembler, postman, waitress, cleaner, labourer, driver, bar-worker, call centre worker)
8. Have never worked

If 1,2,3 at QSD8 then respondent is coded as social grade ABC1, else C2DE

A1.4 Survey of consumers: dissatisfied consumers

A1.4.1 Sampling frame

The sample frame for the survey of dissatisfied legal service consumers was drawn from the YouGov online research panel of over 800,000 people from the UK. The YouGov panel was screened to identify people who had used a legal service in the past two years and who were dissatisfied with the service they received.

This sample frame of c.4000 was sent the invite to the online survey at random through the proprietary YouGov survey system.

A1.4.2 Approach

The research with dissatisfied consumers was undertaken online using the YouGov survey system. All respondents were drawn from the YouGov panel and invites were sent in a random fashion through the online sample management system.

The surveys were piloted in June 2017 and following a review of the pilot feedback the survey full launched to the full sample in June 2017. The fieldwork closed in July 2017.

On the close of the fieldwork the final achieved sample was checked and verified.

A weighted set of data tables was produced in MS Excel alongside a raw data file in SPSS.

A1.4.3 Questionnaire: dissatisfied consumers from the YouGov panel

Screening questions

S1. Which legal services have you personally used a solicitor for in the last TWO YEARS? (Please tick all that apply)

1. Conveyancing (i.e. legal work involving buying, selling or transferring property)
2. Will writing
3. Probate (i.e. legal process of managing the estate of a deceased person by resolving all claims and distributing the deceased person's property under a valid will)
4. Family matters
5. Accident or injury claims
6. Any offences or criminal charges
7. Immigration and asylum matters
8. Power of attorney (i.e. a legal document allowing one person to act on behalf of another)
9. Litigation
10. Other
11. Don't know/ can't remember
12. Not applicable – have not used a solicitor in the last two years Hold position

If S1=11 or 12 end survey

S2 In the last two years have you ever been dissatisfied with the service provided by your solicitor?

1. Yes
2. No

IF S2=2 END SURVEY If YES continue survey

Introductory text

We would like to invite you to take part in a survey, which we hope you will find interesting.

The survey is about people's experience of using solicitors' services. In particular people who were dissatisfied with the level of service provided by their solicitor.

Your YouGov account will be credited with [] points for completing the survey.

We have tested the survey and found that, on average, it takes around 12 minutes to complete. This time may vary depending on factors such as your internet connection speed and the answers you give.

In order to begin the survey please click the button below.

Perceptions of what constitutes good service

Q1. What are the five most important things you expect from a solicitor? Please select up to 5.

1. Clear information about costs
2. Clear explanation of the legal process
3. Use of plain English/communicating clearly
4. Clear information on how to complain
5. Regular updates on progress
6. Responding to queries promptly
7. A professional manner
8. Good interpersonal skills
9. Legal knowledge and experience
10. Making progress on the work on time
11. Affordable costs
12. A positive outcome for my case or work
13. Other (please specify)

The next set of questions asks about your own experiences regarding dissatisfaction and complaints about your solicitor's work. When answering, please think about the most recent time that you used a solicitor and were dissatisfied with their services.

Area of law in which the consumer was dissatisfied

Q2. Which legal service was being provided by the solicitor?

1. Conveyancing (e.g. legal work involving buying, selling or transferring property)
2. Will writing
3. Probate (i.e. legal process of managing the estate of a deceased person by resolving all claims and distributing the deceased person's property under a valid will)

-
4. Family matters
 5. Accident or injury claims
 6. Any offences or criminal charges
 7. Immigration and asylum matters
 8. Power of attorney (i.e. a legal document allowing one person to act on behalf of another)
 9. Litigation
 10. Other please specify

Type of client (whether personal or business)

Q3. Was the legal work for a personal or business issue?

1. Personal
2. Business

Reason for dissatisfaction

Q4. Why were you dissatisfied with the legal service provided by your solicitor? Select all that apply.

1. I wasn't kept up to date on progress
2. I didn't receive a response when I asked for information about the case or costs
3. I wasn't given enough information about costs of the service
4. The solicitor didn't release my papers to me
5. The solicitor didn't do some work that I asked them to do
6. I wasn't treated well by staff
7. I felt I was being discriminated against
8. The solicitor didn't seem to know what he or she was doing
9. The solicitor made mistakes dealing with the work
10. Legal advice seemed to be wrong
11. My personal information was misused
12. The solicitor didn't keep my papers safe
13. The solicitor didn't move the work forward
14. The solicitor caused delays

15. I thought I was overcharged for the work
16. I thought the solicitor breached their professional Code of Conduct
17. I suspected that the solicitor might have behaved illegally
18. The outcome of the work was not what I expected
19. Other (please specify)

Consumer response

Q5. You said that you were dissatisfied with your solicitor's legal services. Did you complain to your solicitor or to another organisation, or take some other action? Please select all that apply.

1. Told my solicitor that I was dissatisfied
2. Told someone else at the solicitor's firm that I was dissatisfied
3. Intend to complain but haven't yet
4. Got advice from family or friends about what I should do about it
5. Sought advice from Citizens Advice or similar impartial advisor
6. Went to the Legal Ombudsman
7. Went to the Solicitors Regulation Authority
8. Complained to someone else / another organisation
9. Other (please specify)
10. Not applicable – I took no action

If code 1 or 2 at Q5 ask Q6, else go to Q17

Tier 1 complainants

Q6. How did you raise your dissatisfaction with your solicitor/ solicitor's firm? Please select all that apply.

1. Verbally told my solicitor
2. Verbally told another person in the solicitor's firm
3. In writing to my solicitor (letter or email)
4. In writing to another person in the solicitor's firm (letter or e-mail)
5. Sent a text message/other messaging app (e.g. Whatsapp) to my solicitor
6. Wrote a formal letter/email of complaint to the solicitor or the firm

7. Other (please specify)

Go to Q6a

Q6a . What did you expect when you first raised your dissatisfaction?

1. It was a complaint that I wanted them to take action on/ resolve
2. It was a general comment that I hoped would improve the service
3. It was a general comment that I did not expect any response to

If 1 at Q6a go to Q7, else go to Q8.

The next few questions relate to your experience of raising your dissatisfaction with your solicitor/ solicitor's firm. Moving forward we will refer to this as a 'complaint'.

Q7 IF Q6a=1. What did you want your solicitor/ solicitor's firm to do to address your complaint? Select all that apply.

1. Provide an explanation about my concern/s
2. Agree to progress my work
3. Agree on a timeframe to complete my work
4. Return my documents
5. An informal gesture (e.g. chocolates/flowers)
6. An apology
7. Complete or correct work, free of charge
8. A complete or partial refund of fees
9. Compensation for distress or inconvenience
10. Compensation for financial loss I had suffered
11. Other [please specify]

Go to Q8

Q8. How did your solicitor/ solicitor's firm respond when you complained? Select all that apply

1. They didn't respond [exclusive]
2. They told me about their complaints procedure

3. They responded, but used language that I couldn't understand
4. They provided an explanation about my concern/s
5. They offered to return my documents
6. They promised to progress my work
7. They agreed on the timeframe to complete my work
8. They sent me an informal gesture (e.g. chocolates/ flowers)
9. They apologised
10. They promised to complete or correct the work, free of charge
11. They offered compensation for financial loss I had suffered
12. They offered compensation for distress or inconvenience
13. They offered to reduce their bill
14. They offered a complete or partial refund of fees
15. They didn't agree with my complaint and offered no resolution
16. They didn't agree with my complaint but offered me compensation to resolve it
17. Other (please specify)

If 1 at Q8 go to Q13, else go to Q9.

Q9. After you raised your dissatisfaction, how long did it take for your solicitor/ solicitor's firm to send their final response to your complaint?

1. Between 1 to 2 weeks
2. Between 3 to 4 weeks
3. Between 5 to 6 weeks
4. Between 7 to 8 weeks
5. More than 8 weeks
6. I don't know/ can't remember

Go to Q10

Q10. Did your solicitor/ solicitor's firm charge you for the time taken to handle your complaint?

1. Yes
2. No
3. Don't know

Go to Q11

Q11. Has your complaint been resolved to your satisfaction by your solicitor/ solicitor's firm?

1. Yes
2. No
3. It is still ongoing

If 1 at Q11 then go to Q12, If 2 at Q11 Ask Q13

If 3 at Q11 ask Q18

Q12 IF Q11=1. What was the resolution to your complaint? Select all that apply

1. An explanation about my concern/s
2. Agreement to progress my work
3. Agreement on a timeframe to complete my work
4. Return of my documents
5. An informal gesture (e.g. chocolates/flowers)
6. An apology
7. Completion or correction of the work free of charge
8. A complete or partial refund
9. Compensation for distress or inconvenience
10. Compensation for financial loss I had suffered
11. Other (please specify)

Go to Q18

Taking the complaint further –

Q13 IF Q8=1 or Q11=2. Have you taken, or do you plan to take your complaint any further?

1. Yes, I plan to take it further
2. Yes, I have taken it further

3. No

If 1 or 2 at Q13 ask Q14, If 3 ask Q16

Q14 IF Q13=1 OR 2. Have you taken, or do you plan to take your complaint to any of the following?
Select all that apply

1. The Legal Ombudsman
2. An Alternative Dispute Resolution service
3. The Solicitors Regulation Authority
4. A court/tribunal
5. Other (please specify)

Ask Q15

Q15 IF Q13=1 OR 2. Why have you taken, or do you plan to take, your complaint further? Select all that apply.

- 1 <if not 1 in Q8> My solicitor/ solicitor's firm took too long to resolve my complaint
- 2 I thought it was the only way to resolve my complaint
- 3 I was told by the solicitor/ solicitor's firm to use them
- 4 I have used them in the past
- 5 I read online that they resolve complaints against solicitors
- 6 <if not 1 in Q8> The solicitor's/ solicitor's firms response was rude or aggressive
- 7 <if not 1 in Q8> The solicitor's/ solicitor's firms response didn't address my complaint
- 8 <if not 1 in Q8> The solicitor/ solicitor's firm didn't change their behaviour
- 9 <if not 1 in Q8> The solicitor/ solicitor's firm kept making the same mistakes
- 10 <if not 1 in Q8> The solicitor/ solicitor's firm offered compensation that I thought was too low
- 11 <if not 1 in Q8> I wanted somebody independent to look at the solicitor's/ solicitor's firms response
- 12 I wanted somebody to take action against the solicitor/ solicitor's firm
- 13 The solicitor didn't investigate my complaint
- 14 <if not 1 in Q8> The solicitor/ solicitor's firm didn't agree with my complaint
- 15 <if not 1 in Q8> The solicitor/ solicitor's firm offered a solution and then didn't carry it out

16 Other (please specify)

Go to Q18

Q16 IF Q13=3. Why don't you plan on taking your complaint any further? Select all that apply.

1. I don't know how to
2. I don't think it would be worth it
3. I don't have time
4. I think that it might end up costing me more
5. I think that it might affect the work my solicitor is doing for me
6. I think it will be stressful
7. Other (please specify)

Go to Q18

Did not complain to their solicitor

Q17 IF Q5 does not equal 1 or 2. Why didn't you raise your complaint with your solicitor? Select all that apply.

1. I didn't know that I could make a complaint to the solicitor
2. I didn't know how to make a complaint to the solicitor
3. I didn't understand the solicitor's complaints procedure
4. I was put off by having to make a written complaint to the solicitor
5. I had no confidence it would be resolved fairly by the solicitor
6. I didn't think they would take any notice of my complaint
7. I thought that it might cost me more
8. I thought it might make the situation awkward
9. I didn't want the solicitor to think I was being ungrateful for the work they were doing
10. I thought they might take longer to complete the work
11. I thought it would be stressful
12. I thought it might have a negative impact on the outcome of my case
13. I wanted someone independent to look at my complaint

14. The solicitor had repeatedly made mistakes
15. I didn't have time to put together a complaint to the solicitor
16. Other (please specify)

Go to Q18

Awareness of rights and protections

Q18. At what point (if any) were you told about your solicitor's complaints procedure? Select all that apply.

1. In writing at the start of the work
2. Verbally at the start of the work
3. Verbally at the end of the work
4. When I first said I was dissatisfied (IF 1 OR 2 AT q5)
5. When I said I wanted to make a complaint (IF 1 OR 2 AT q5)
6. In writing at the end of the work
7. Other (please specify)
8. Don't know/can't remember
9. I wasn't told about the complaints procedure

Go to Q19

Q19. The Legal Ombudsman is an independent service that can resolve complaints about solicitors. At what point (if any) did your solicitor tell you about the Legal Ombudsman? Select all that apply.

1. In writing at the start of the work
2. When I first said that I was dissatisfied (IF 1 OR 2 AT q5)
3. When I first made a complaint (IF 1 OR 2 AT q5)
4. In writing at the end of the work
5. In their final response to my complaint (IF 1 OR 2 AT q5)
6. I wasn't told about the Legal Ombudsman
7. Other (please specify)
8. Don't know/can't remember

Ask all Q20 except if 6 or 8 at Q19. If 6 or 8 at Q19 go to Q19a then Q23.

Q19a IF Q19=6 OR 8. Had you heard about the Legal Ombudsman before this survey?

1. Yes
2. No

If 1 at Q19a go to Q19b, else go to Q23

Q19b IF Q19a=1: How did you hear about the Legal Ombudsman? Select all that apply.

1. Online search
2. Word of mouth
3. Newspaper, radio or TV
4. Social media
5. Consumer/advice organisation (eg. Citizen's Advice)
6. Other (please specify)

Go to Q23

Q20 IF Q19=1,2,3,4,5,7. Did your solicitor tell you whether there were any time limits for going to the Legal Ombudsman?

1. Yes
2. No
3. Don't know/can't remember

If 1 at Q20 go to Q21. If 2 or 3 at Q20 go to Q23

Q21 IF Q20=1. Were the time limits clearly explained to you?

1. Yes
2. No

Go to Q23

Q23. Did your solicitor give you any information about Alternative Dispute Resolution services, which are third parties who can help to resolve complaints about solicitors, other than the Legal Ombudsman?

1. I was told about these agencies and my solicitor said they use some
2. I was told about these agencies but my solicitor refused to use any
3. I was not told about these agencies

4. I was told about these services but I am unsure if the solicitor uses them
5. Don't know/can't remember

Go to Q24

How could complaints handling be improved?

Q24. What can solicitors do to improve the way they deal with consumers and their complaints?
Select all that apply

1. Provide more information to consumers at the beginning
2. Provide improved care to consumers throughout the work
3. Have more information online for consumers about legal work
4. Have more information online for consumers about complaints procedures
5. Ensure all staff in the firm are approachable
6. Provide more information about the possible remedies that are available to dissatisfied consumers
7. Improve the way that staff respond to dissatisfied consumers before they make a complaint
8. Improve the way staff respond to complaints
9. Respond to complaints quicker
10. Other (please specify)
11. Don't know

Go to Q24a

Q24a: Did the firm ask for your feedback on their service? Please select all that apply

- a) They gave me a feedback form
- b) They asked me verbally at the end of the work
- c) They asked regularly throughout the work
- d) They invited me to provide an online review
- e) No

Go to Q25

Policy questions

Q25. What is your opinion on the possibility of having access to information about the number and types of complaints each solicitor firm receives? Select all that apply.

1. It would help me to compare the service standards of solicitor firms
2. It would help solicitor firms to compare their service standards against each other
3. It would be helpful but I would also want to know the size of the solicitor firm and type of work they do
4. It would help solicitor firms to show they deliver a good standard of service
5. I don't believe it would be helpful

Go to socio-demographic questions

We will now ask a few questions, to see how people's experiences of the complaints process differ by factors such as life experiences. We would like to assure you that all answers will be treated as confidential and will only be analysed at an aggregate, not individual, level.

Go to QSD1

QSD1. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

1. Yes, limited a lot
2. Yes, limited a little
3. No

If 1 or 2 at QSD1 then go to QSD1a, if 3 go to QSD2.

QSD1a (Show if 1 or 2 at QSD1). What types of impairment do you consider that you have? Please select all that apply.

1. Hearing
2. Visual
3. Physical/mobility
4. Learning disability
5. Mental health
6. Other
7. Prefer not to say

Go to SD2

QSD2. Which, if any, have happened in the past two years? Please select all that apply.

1. Got engaged
2. Got married
3. Had a child
4. Got a new job
5. Lost a job
6. Bought a house
7. End of a relationship
8. Got divorced
9. Experienced bereavement
10. Adopted a child
11. <14> Been a carer for another adult
12. <15> Had limited or no access to the internet
13. <16> Claiming benefits
14. Moved to a new country
15. None of the above

<13> Prefer not to say

Go to SD3

QSD3. Which of the following best describes how you funded the legal assistance you were dissatisfied with? Please select all that apply.

1. I paid for it myself
2. I paid for it with the help of friends and family
3. I paid for it through a loan or credit cards
4. Through legal aid
5. It was free
6. No win - no fee
7. Don't know/can't remember
8. Prefer not to say

Go to SD4

QSD4. Is English your first language?

1. Yes
2. No
3. Prefer not to say

A1.5 Stakeholder interviews

A1.5.1 The stakeholders

The stakeholders engaged through semi-structured telephone interviews were three charities that help consumers with different vulnerabilities and an independent complaints handling consultancy.

A1.5.2 Outline procedure

First, London Economics drafted and agreed a letter of introduction outlining the study. This helps to ensure a common awareness and knowledge of the study, its objective and scope across different stakeholder groups. The letter included contact points for any questions.

A1.5.3 Discussion guide – independent complaints handling consultancy

Introduction to the study

Thank you for making the time to participate in this interview. My name is [xx] and I am calling from London Economics. We are an independent economic consulting firm and we have been commissioned by the Solicitors Regulation Authority and Legal Ombudsman to carry out research into how solicitors handle complaints and whether the complaints handling process works for consumers.

The study explores why consumers are dissatisfied with the service provided by their solicitors, the barriers they may face in complaining, and the solutions that solicitors offer. The research will help the Solicitors Regulation Authority and Legal Ombudsman to consider how they could help to improve customer satisfaction.

I expect the interview to last about 45 minutes. Is this ok?

I will also be taking notes through the interview. Is that ok? I will type up my notes and share them with you to make sure that I've captured your comments accurately.

Is it ok if we share the notes of the interview, after you have reviewed them, with the Solicitors Regulation Authority?

I suggest that we structure the interview as follows. First, to talk about your organisation and your role in it. Next, to talk about consumers' experiences of service from their solicitors, and finally how the Solicitors Regulation Authority and Legal Ombudsman might help to improve consumers' experiences. This structure is a guide: we may spend time discussing some topics in more detail than others.

About the interviewee

QINT1. Could I ask you to tell me a little bit about your organisation, and your role in it?

[Probe: What is their experience across areas of law, firm types or client types – for example, small/large businesses, charities, people in circumstances that make them vulnerable?]

Perceptions of good service

QPER3. What do you think consumers expect in terms of good quality service from their solicitors?

[Probe: for example, regular communication, clear cost information, achieving their aim – for example, winning their case.]

Triggers of complaints

QTRIG1. What, in your opinion, are the main reasons that consumers are dissatisfied with their solicitor's service?

[Probe: For example, delay in progressing their case, high costs and if their solicitor hasn't kept them informed.]

QTRIG2. Do you believe that consumers tend to complain when they are dissatisfied?

[Probe: previous research has found that two fifths of dissatisfied consumers of legal services do not complain.]

Barriers to complaining

QBARR1a What do you think might stop consumers from complaining if they are dissatisfied with their solicitor's service?

[Probe 1: Previous research has found that people may not know that they can complain, or how to complain. People may also not complain if they don't feel confident about doing so.]

[Probe 2: We have found in previous research that people may find it awkward or difficult to complain to smaller firms]

[Probe 3: We have also found in previous research that small business clients may find it difficult to complain – for example because of time constraints, or needing to maintain a relationship with the solicitor firm].

QBARR2. And are these barriers different for different consumers? For example, consumers in circumstances that make them vulnerable?

[Probe 1: for example, people who have issues with physical or mental health, older consumers, people with language barriers, or people who have recently had a change in financial or employment situation.]

[Probe 2: People in circumstances that make them vulnerable may not always have access to the information or support that they need to make or pursue a complaint.]

Solutions offered by solicitors

QSOL1a. What solutions do solicitor firms most often offer to resolve complaints?

[Probe: for example, these solutions could be an explanation, an apology or offering to correct or complete the consumer's work free]

QSOL1b. Where, in your opinion, do firms most often fall short of consumers' expectations in responding to complaints?

[Probe: for example, previous research has found that consumers believe solicitors' remedies do not address the reason for the consumer's dissatisfaction]

QSOL1. Can you identify and describe examples of good practice when solicitors handle complaints?

Do their procedures, processes and systems affect this?

[Probe: for example, a 'plain English' complaints procedure, trained front-line staff, investigating complaints, setting out appropriate remedies]

QSOL2. And can you identify and describe examples of poor practice in handling complaints?

[Probe: for example, a too-complicated complaints procedure, using 'legalese', being defensive when people say they're dissatisfied, not having up-to-date information on their website]

QSOL3. You've given examples of good and poor practice. Do you think there's anything more that solicitors could do to improve complaints handling?

[Probe: for example, training staff to identify and manage complaints]

QSOL4. When vulnerable consumers complain to solicitor firms, what could firms do to improve their experience?

[Probe: Training staff, partnering with organisations who can provide the support vulnerable people need]

QSOL5. Do solicitor firms inform consumers of their rights in terms of approaching the Legal Ombudsman, alternative dispute resolution agencies etc.?

[Probe 1: Do they signpost correctly? At the right times? Are the LO details correct?]

[Probe 2: Do firms tend to use ADR services?]

QSOL6. And do you think that these rights are explained in a way that consumers understand?

[Probe 1: Is the language simple?]

QBARRS2. Do you think that **different areas of law, client types or business models** may present different challenges for solicitor firms when handling complaints?

[Probe 1: for example, some areas of law may be more emotionally stressful e.g. family law]

[Probe 2: for example, people who have recently become carers or are acting on behalf of someone else]

[Probe 3: for example, previous research suggests that sole practitioners may face specific challenges]

[Probe 4: do some firms struggle with knowing whether they need to notify their insurers? And does this affect the way that solicitors handle complaints?]

Role of the SRA and Legal Ombudsman

QREG1. In your opinion, **what could the Solicitors Regulation Authority and Legal Ombudsman do** to help solicitor firms improve their complaints handling?

[Probe: for example, sharing best practice in customer service or complaints handling among solicitor firms]

QREG2. Do you think that it would be useful for consumers to have access to data on first tier complaints? Why or why not?

[Probe: for example, do you think that consumers would use this type of data when they are choosing a solicitor?]

A1.5.4 Discussion guide – remaining organisations

Introduction to the study

Thank you for making the time to participate in this interview. My name is [xx] and I am calling from London Economics. We are an independent economic consulting firm and we have been commissioned by the Solicitors Regulation Authority and Legal Ombudsman to carry out research into how solicitors handle complaints and whether the complaints handling process works for consumers.

The study explores why consumers are dissatisfied with the service provided by their solicitors, the barriers they may face in complaining, and the solutions that solicitors offer. The research will help the Solicitors Regulation Authority and Legal Ombudsman to consider how they could help to improve customer satisfaction.

I expect the interview to last about 45 minutes. Is this ok?

I will also be taking notes through the interview. Is that okay? I will type up my notes and share them with you to make sure that I've captured your comments accurately.

Is it ok if we share the notes of the interview, after you have reviewed them, with the Solicitors Regulation Authority?

I suggest that we structure the interview as follows. First, to talk about your organisation and your role in it. Next, to talk about consumers' experiences of service from their solicitors, and finally how the Solicitors Regulation Authority and Legal Ombudsman might help to improve consumers' experiences. This structure is a guide: we may spend time discussing some topics in more detail than others.

About the interviewee

QINT1. Could I ask you to tell me a little bit about your organisation, and your role in it?

[Probe: What is their experience across areas of law, firm types or client types – for example, small/large businesses, charities, people in circumstances that make them vulnerable?]

Perceptions of good service

QPER1. What are the most common legal problems people approach you/your organisation about?

[Probe 1: For example, previous research has found that people’s legal issues are often linked to having a consumer rights issue, buying or selling a home, making a will or dealing with a relative’s estate. Other common issues are disputes with neighbours, problems with benefits, debt/money problems and problems with an employer.]

[Probe 2: Previous research has also shown that people most often complain about areas of law like conveyancing (legal work to do with buying/selling property), family law and litigation]

QPER2. What are people’s general opinions about using solicitors for legal work?

[Probe: For example, previous research shows that only about a third of people with legal trouble get legal advice. Almost half try to tackle the issue alone or with friends or family.]

QPER3. What do you think people expect in terms of good quality service from their solicitors?

[Probe: for example, regular communication, clear information about costs, achieving their aim – which could be, for example, winning their case.]

Triggers of complaints

QTRIG1. What are the main reasons that people tell you they are dissatisfied with their solicitor’s service?

[Probe: For example, delay in progressing their case, high costs and keeping them informed.]

Barriers to complaining

QBARR1a *[If interviewee says that people often don’t complain]*. What stops people from complaining if they are dissatisfied with their solicitor’s service?

[Probe: Previous research has found that people may not know that they can complain, or how to complain. People may also not complain if they don’t feel confident about doing so.]

QBARR1b *[If interviewee says they don’t know if people tend to complain]*. What do you think might stop people from complaining if they are dissatisfied with their solicitor’s service?

[Probe: Previous research has found that people may not know that they can complain, or how to complain. People may also not complain if they don’t feel confident about doing so.]

QBARR2. And are these barriers different for different people? For example, people in circumstances that make them vulnerable?

[Probe 1: for example, people who may have issues with mental health.]

[Probe 2: for example, people who are older or who have become carers]

[Probe 3: for example, people with health or disability issues, or changes in financial or employment situations]

[Probe: People in circumstances that make them vulnerable may not always have access to the information or support that they need to make or pursue a complaint.]

Solutions offered by solicitors

QSOL1. Can you identify and describe examples of good practice when solicitors handle complaints?

[Probe: for example, a 'plain English' complaints procedure, trained front-line staff, investigating complaints, setting out appropriate remedies]

QSOL2. And can you identify and describe examples of poor practice?

[Probe: for example, a too-complicated complaints procedure, using 'legalese', being defensive when people say they're dissatisfied, not having up-to-date information on their website]

QSOL4. What more could **solicitor firms** do to help people in circumstances that make them **vulnerable**?

[Probe: Training staff, partnering with organisations who can provide the support vulnerable people need]

QSOL5. Do solicitor firms inform people of their rights in terms of approaching the Legal Ombudsman, alternative dispute resolution agencies etc.?

[Probe1: for example, if people aren't happy with the final response their solicitor provides, they can approach the Legal Ombudsman.]

[Probe 2: Consumers also have the right to use an Alternative Dispute Resolution Agency. But not all solicitor firms use such agencies.]

QSOL6. And do you believe that people understand these rights?

[Probe: Do the people who approach you/your firm seem aware of these rights? Did they say their solicitor had given them this information?]

QBARRS2. Do you think that **different areas of law or client types** may present different challenges for solicitor firms when handling complaints?

[Probe 1: for example, some areas of law may be more emotionally stressful e.g. family law]

[Probe 2: for example, people who have recently become carers or are acting on behalf of someone else]

Role of the SRA and Legal Ombudsman

QREG1. In your opinion, **what could the Solicitors Regulation Authority and Legal Ombudsman do** to help solicitor firms improve their complaints handling?

[Probe: for example, sharing best practice in customer service or complaints handling among solicitor firms]

QREG2. Do you think that it would be useful for people to have access to data on first tier complaints? Why or why not?

[Probe: for example, do you think that consumers would use this type of data when they are choosing a solicitor?]

A1.6 In-depth interviews of consumers

YouGov conducted 8 depth interviews with legal service consumers. The sample frame was drawn from those people who responded to the consumer surveys and indicated that they were willing to take part in a follow up depth interview.

The in-depth interviews lasted around 45 minutes and were conducted via the telephone. Interview notes were recorded by the interviewer and were synthesised into a summary report of the key findings.

A1.6.1 Sampling frame

Table 2 Profile of participants in consumer depth interviews

	Gender	Age	Ethnicity	Are your day-to-day activities limited by disability?	Social Grade	Area of law
Took no action when dissatisfied	Female	67	White British	Yes, limited a little	ABC1	Conveyancing
Took action, resolved	Female	27	Black African	Yes, limited a little	ABC1	Conveyancing
Complained, not resolved, have taken further	Male	65 +	White	No	C2DE	Conveyancing
Premature complainant (not resolved, plans to take it further)	Male	55-64	Black or Black British	No	ABC1	Other
Returning Premature (premature complainants who went back to firm,	Male	35-44	Mixed	No	ABC1	Personal Injury

	Gender	Age	Ethnicity	Are your day-to-day activities limited by disability?	Social Grade	Area of law
complained and approached the Legal Ombudsman when complaint was not resolved)						
Complained, not resolved, does not plan to take further	Male	66	Any other white background	Yes, limited a lot	ABC1	Family matters
Complained, resolved	Male	39	Pakistani	Yes, limited a lot	ABC1	Probate
Complained, not resolved, have taken it further	Female	75	White British	No	C2DE	Family matters

Source: YouGov

A1.6.2 Discussion guide

Introduction (2 minutes)

Thank you for making the time to participate in this interview. My name is [] and I am calling from YouGov. We are following up on the survey you took part in on solicitor’s handling of complaints and the follow up email in which you agreed to take part in this interview. Just to remind you, we are an independent research agency and we have been commissioned by the Solicitors Regulation Authority and Legal Ombudsman to carry out research into how solicitors handle complaints and whether the complaints handling process works for consumers.

The study explores why consumers are dissatisfied with the service provided by their solicitors, the barriers they may face in complaining, and the solutions that solicitors offer. The research will help the Solicitors Regulation Authority and Legal Ombudsman to consider how they could help to improve customer satisfaction.

The interview should last 45 minutes to an hour and, with your permission, I will be recording it for the purposes of analysis. We will not pass the recording, or any of your personal details, on to the SRA, or any third party. As an independent research agency we are bound by the MRS code of Conduct, which forbids us from doing so.

So please feel free to speak openly and candidly – we will be talking about your recent experience, how it was handled, and what could have been done differently. Are you still happy to take part? You can terminate the interview at any time.

Background to the complaint (5 minutes)

- First of all, I'd like to discuss the reasons why you decided to contact a solicitor.
- o You said in the survey you used a solicitor for 'x' (conveyancing/family/wills/PI, etc.) What legal issue did you contact your solicitor about?
- o Did you know straight away that you would need a solicitor?

Prior expectations of solicitors (5 minutes)

- Prior to your experience
- What information did you expect to receive from a solicitor?

PROBE across different stages

- o When initially receiving a quote from a solicitor searching for and talking to a solicitor (prices, estimated length of process)
- o When you first agree the work with a solicitor
- o During the work
- o At the end of the work
- In what format did you expect to be provided with updates from your solicitor about the work?
- How often did you want your solicitor to update you?
- and in what format did you expect to be provided with updates from your solicitor about the work?
- Was this linked to time periods (e.g. weekly/monthly) or to milestones? For example, did you expect a certain number of letters or calls, or for these to be a certain times?
- o What did you base these expectations on?
- o PROBE would these expectations change if you knew you were being charged? Would you be happy to pay more to receive extra updates?
- PROBE – experience, the experience of friends – what they have heard about in the media.

Based on your experience, how could the information given by solicitors be improved?

Their experience/Information about making a complaint (10 minutes)

- Thinking back to your experience, what information about complaining did your solicitor give you when they started working for you?
- How was this information provided?
- What specifically do you remember was included in the information?

- o Probe: What were you told in terms of timings? What were you told about who you could complain to?
- o Probe: complaints procedure information
- o Probe: Information about the Legal Ombudsman
- Was there additional complaint information you would have liked at the start of the work that was not given to you?
- Did you receive any information about how to complain (other than in the initial information, discussed a moment ago)?
- When was this information given to you, if at all? How was the information given to you?
- Was the information helpful/easy to understand –
- Based on your experience, how could the information on the solicitor's complaints procedure be improved? (does it need to be easier to understand?)

Reasons for dissatisfaction

- Now we'd like to turn to a bit more detail to your reasons for dissatisfaction with the solicitor.
- You said in the survey that you were dissatisfied with your solicitor because of x, y, z.
- What impact did this have on you? How did it make you feel? PROBE – stressed, ignored etc.
- Probe - were there any knock on effects of the issue to the legal process as well?
- o PROBE SPECIFICALLY ON DELAY/INCOMPETENCE AND ANY OTHER NEGATIVE EFFECTS

Complaint (15 minutes)

If they did not complain to their solicitor

You said in the survey that you did not complain to your solicitor – why not?

PROBE based on the following factors

- o Did you talk to anyone at your solicitors them about it, or mention it in other correspondence, at all?
- o If yes, who did you speak to? Why did you choose to raise it with that person?
- o From what you can remember, were they a dedicated complaint handler?
- o If yes, how did they respond (probe: Was the matter resolved quickly and satisfactorily with the solicitor so no need to complain?)?
- o If no, why not?

o Any other barriers –did you know how? Was there anything that concerned you about making a complaint, either in writing or verbally?

- Did you complain to another person in the firm or another organisation? (if they are premature complainants, we can say: ‘I understand that you contacted the Legal Ombudsman – did you do this before speaking to the solicitor about your dissatisfaction? (if so, why?) (or they might have gone to Legal Ombudsman soon after making a complaint (within the 8 weeks) – if so: what triggered you to contact the Legal Ombudsman?)

o Why/why not

o At what point did you decide to approach this person/organisation/Legal Ombudsman?

If they did complain to their solicitor

- Who did you raise your complaint with initially? – PROBE - solicitor, other staff
- How did you raise your complaint – PROBE verbally, e-mail, letter, phone, social media other
- Did you feel like they understood your complaint?
- Once you had made your complaint how long did you expect it would take for the solicitor to answer your complaint in full? And did you think it might take longer for your complaint to be fully resolved?

o How long did you expect it would take to get a conclusion?

- Would you have preferred to have made a complaint in a different way? If so, what stopped you from doing so?

- Were you aware of the various resolution outcomes that the solicitor could offer?

- You said in the survey that you wanted your solicitor to provide x (eg, an apology, compensation)

PROBE - If you wanted compensation/other remedy, what resolution/remedy did you want

ASK ALL

- If the issue had been more severe (causing greater inconvenience or harm) would you have acted the same or done something differently?

You said in the survey that your complaint has/has not come to an end – is this correct? (i.e. you have received the solicitor’s final response, irrespective of whether you feel the complaint has been resolved)

If the issue was resolved

- How were you informed that the complaint had come to an end – i.e. did you understand you had received a final response?

- How long from when you first made the complaint did it take to get the final response?

- Did the solicitor explain how long it would take to address your complaint?
- o Did you understand why it took this length of time?
- Did the solicitor keep you updated on the progress of your complaint? (perhaps only relevant if it took over 1 or 2 weeks)
- What did you expect in terms of timing/being updated/informed by your solicitor

If the issue was not resolved

In light of the fact that the issue was not resolved

- In the survey you said you do not plan/ plan to proceed further or have you proceeded further with the complaint? – why/why not (the ‘why not’ is in the survey - if in the survey they said ‘not worth it’: what do you mean by this? If they are premature that did not go back – did Legal Ombudsman say something that made you decide not to go back to them?)
- PROBE - If you plan to proceed further/did proceed, what do you plan to do/did do, who do you plan to go to/did go to, and why?

Legal Ombudsman/SRA (5 mins)

- When making your complaint, were you aware of the Legal Ombudsman? How did you find out about them?
- Do you know the service that the Legal Ombudsman offers consumers? NOTE TO INTERVIEWER The Legal Ombudsman is a free, independent and impartial scheme set up to help resolve legal service disputes
- What could the Legal Ombudsman do better to help those who use legal services? (eg, the kinds of information they could provide/advertising in certain places)
- Do you remember your solicitor telling you about the Legal Ombudsman – either in writing or verbally, on their website?
- If so, When did the solicitor tell you about the Legal Ombudsman?
- [ONLY for non-prematures that did not progress to Legal Ombudsman] If you could not get the issue resolved with your solicitor would you go to the Legal Ombudsman – why/why not?
- Do you know anything about the Solicitors Regulation Authority and the services they provide?
- o Would you be more likely to choose a solicitor if you knew they were regulated by the SRA and had the protections that they provide?

Reflections on their experience and best practice (10 mins)

Reflecting on the experience you went through...

- How have your expectations changed as a result of your experience? What would you prioritise now that you did not think of before?
- Is there any additional information you would have liked when choosing your solicitor? If so, what?
- (only ask if they said it would be helpful) You said in the survey that you thought it would be helpful to have information about the number and types of complaints each solicitor firm receives (state option(s) chosen). How would you prefer this information to be provided?
- Where would you expect to see this information? How would you use it? Would the numbers be enough?
- o PROBE - eg What about number of complaints by firm, how many complaints were resolved (only ask if they said it would not be helpful) You said in the survey that you thought it would not be helpful to have information about the number and types of complaints each solicitor firm receives. Why do you think this?
- (ASK ALL) If someone said a solicitor had a 'good complaints record' what would that mean to you? (would it mean no complaints ever/in the last year/few complaints compared to other similar solicitors) (If they say 'no complaints', then probe: if you saw that all solicitors doing the work you need had received one or more complaints, then what information would you like so that you can decide if they have a 'good complaints record'?)
- If this information was available how would you have used it before choosing you solicitor (if at all)?
- If you saw a quality mark, would that influence your choice of solicitor?
- Thinking broadly is there anything that could be done to improve the complaints process?
- o What more could the legal profession do?
- o What more could regulators do, such as the Solicitor's Regulation Authority?
- o What more could independent bodies e.g. the Legal Ombudsman do?

Many thanks for your time – just to reiterate we won't pass on any attributed comments to our client. We'll be in touch in the next few days with your thankyou payment.

A1.7 In-depth interviews of firms

A total of 15 depth interviews were undertaken with solicitor firms. The sample frame was drawn from those people who responded to the firm survey and indicated that they were willing to take part in a follow up depth interview.

The in-depth interviews lasted around 45 minutes and were conducted via the telephone. This individual approach was chosen over a focus group method because the details of each firms processes and their experiences are unique and often of a commercially sensitive nature.

The YouGov qualitative team conducted 5 depth interviews with solicitor firms and the SRA team conducted 10 depth interviews with solicitor firms. YouGov carried out the recruitment, and gave firms the option of being interviewed by YouGov or the SRA. Therefore, those that were interviewed by the SRA opted in. For interviews that the SRA conducted, the notes were sent to YouGov to allow them to analyse all interviews and report back to London Economics.

A1.7.1 Sampling frame

Table 3 Profile of participants in firm depth interviews

ABS/non-ABS	Turnover	Number of matters handled in the last financial year	Number of complaints received in the last financial year	% of complaints taken to Legal Ombudsman	Who assesses complaints
ABS	3M to 10M	5,001-10,000	0	0%	The COLP/COFA
ABS	3M to 10M	2,001-5,000	6 to 10	1-10%	The complaints handling team
Other firms	20 to 150K	1-200	0	0%	Sole principal
Other firms	400K to 1M	1,001-2,000	1	0%	Sole principal
Other firms	3M to 10M	5,001-10,000	11 to 20	1-10%	The complaints handling team
Other firms	3M to 10M	2,001-5,000	11 to 20	1-10%	The COLP/COFA
Other firms	400K to 1M	401-1,000	21-50	0%	The fee earner
Other firms	400K to 1M	401-1,000	21-50	1-10%	The complaints handling partner
Other firms	10M to 30M	2,001-5,000	6 to 10	11-20%	The complaints handling partner
ABS	1M to 3M	1,001-2,000	0	1-10%	The fee earner
ABS	70M+	10,001 or more	11 to 20	1-10%	Other
Other firms	400K to 1M	401-1,000	0	0%	The complaints handling partner
Other firms	3M to 10M	2,001-5,000	11 to 20	1-10%	Other
Other firms	400K to 1M	1,001-2,000	2 to 5	1-10%	The complaints handling partner
Other firms	10M to 30M	10,001 or more	21-50	1-10%	The complaints handling team

Source: YouGov

A1.7.2 Discussion guide

Introduction (2 minutes)

For interviews conducted by SRA researchers:

Thank you for making the time to participate in this interview. My name is [] and I am calling from the SRA. Following the survey you completed on solicitors' complaints handling, you said you were happy to be interviewed. Are you still happy to take part?

The research will help the SRA and Legal Ombudsman to consider how we can help firms to improve complaints handling.

London Economics and YouGov were commissioned to conduct the research and I am helping with the data collection by conducting some interviews.

Just to confirm, I work in the Research and Analysis team, which is separate from the Supervision department. This interview is for research purposes only and all reported findings will be completely anonymous. In the unlikely event that you tell me something that indicates serious misconduct during the interview, I may have to report this to Supervision.

The interview should last 45 minutes to an hour and I will be taking notes that will be passed to YouGov and London Economics for analysis. We will then delete the notes from our computer system.

Please feel free to speak openly – we will be talking about how your firm handles complaints. This is not an audit and the reporting of the findings will remain confidential and will not be linked to your organisation.

For interviews conducted by YouGov researchers:

Thank you for making the time to participate in this interview. My name is [] and I am calling from YouGov. Following the survey you completed on solicitors' complaints handling, you said you were happy to be interviewed. Are you still happy to take part?

The research will help the SRA and Legal Ombudsman to consider how they can help firms to improve complaints handling.

Just to remind you, we are an independent research agency and we have been commissioned by the SRA and Legal Ombudsman to carry out research into how solicitors handle complaints and whether the complaints handling process works for consumers. We would like to record the interview for analysis purposes. We will not pass the recording, or any of your personal details, on to the SRA, or any third party. As an independent research agency we are bound by the MRS code of Conduct, which forbids us from doing so. Are you happy for us to record the interview?

The interview should last 45 minutes to an hour.

Please feel free to speak openly and candidly – we will be talking about how your firm handles complaints, but this is not an audit and the reporting of the findings will remain confidential and will not be linked to your organisation in any way.

The provision of legal advice and information (10 mins)

Firstly, could you tell me a little bit about yourself? How long have you been in the legal profession? What are your specialist areas?

1. First of all, as complaints are linked to the service provided – what, in your opinion, does a good legal service look like? What factors are important when engaging with clients?

2. Equally, what factors do you think clients consider important to a good legal service?
 - o Are these expectations realistic? If not, why not?
3. What information does your firm provide about the legal process and the client's case/legal work?
 - o How much/often?
 - o In what format?
 - o When?
4. Do you think clients understand it all?
5. Do you provide a client care letter? What information is provided in client care letters?
6. Typically, how many pages are your client care letters?
7. Do clients read these letters in your experience?
8. Do you talk clients through the letter? Or give them a verbal summary?
9. Are progress updates given at certain time intervals (weekly/monthly) or at certain milestones?
10. Does this vary depending on: PROBE
 - o the nature of the legal issue,
 - o the severity of the legal issue,
 - o the way the service is priced (e.g. fixed price versus hourly fee),
 - o Anything else?
11. Do you tailor your communication according to the person? What factors/characteristics do you consider?
12. If so, is it always easy to tell when this is needed?
13. Do you have any procedures to communicate differently with clients who may be vulnerable? Is this for specific types of vulnerabilities?
14. Do clients ever tell you that they struggle to understand some of the information you give them? If so, anything in particular?
15. Have you made any changes due to this, or are you looking to make any changes? If so, what changes?

Complaints handling process (20 minutes)

16. Thinking generally, what in your opinion are the features/characteristics of a good complaints handling procedure?

17. What in your opinion do consumers think are the characteristics/features of a good complaints handling procedure?

18. Do you ever think of complaints as being a criticism of you or your firm?

19. Do you think there are any benefits to complaint handling? What would you say are the main benefits of complaints handling? PROBE FULLY

Identifying complaints

Now I'd like to turn to the process that your organisation uses to register, investigate and respond to complaints. Remember, this is not an audit, we just want to understand a little more about how this is done.

20. Can I just check, how are you able to accept complaints? (e.g. verbally/online etc.)? Who in the firm can they complain to? (if a sole practitioner, need to establish if they have other staff)

- o Do you record complaints differently depending on how the complaint was made?
- o PROBE IF NECESSARY For example, is it more likely to be defined as less severe or less formal if expressed verbally?

21. How do you define/record reasons for dissatisfaction?

- o For example, how do you define a complaint as being about 'delays' versus 'failure to progress'?
- o Does this vary according to how the complaint was made (verbally/writing)? Or the severity of the complaint?

22. Is there anything you find difficult about recording complaints or defining complaint types?

Responding to complaints

23. How are complaints acknowledged to the client and what does the initial response look like? Who does it come from? How is it communicated to the client?

24. How aware are your staff about the complaints handling procedure? Is any training provided?

25. How long does it generally take to provide your first full response, and how does this vary by...

- o Type of complaint
- o Severity of the issue
- o Fee structure
- o Method of complaint (phone, e-mail, in person etc)

26. Do you inform the client how long it may take to provide a full response?
27. ASK SAME QUESTIONS RELATING TO FINAL RESPONSE, or say: how is the final response affected by the factors we have just spoken about?
28. Does this work well? Is there anything that you find difficult about this? Do you think you will change anything in the future?

Investigating complaints

29. How are complaints investigated? Does this vary by:
- o How the complaint was made (verbal/writing)
 - o Type of complaint
 - o Severity of the issue – probe here about how they decide how severe something is and whether this affects how the complaint is handled
 - o Fee structure
 - o Method of complaint (phone, e-mail, in person etc)

In assessing the severity of the complaint what factors do you consider?

Are they in your complaints policy?

If more than one person in the firm handles complaints then how do you ensure severity is judged consistently?

30. Who investigates the complaint?
31. Does your firm have guidelines in place to investigate complaints?
- o If so, what are they? (do they include what documents should be reviewed, who they should speak to?)
 - o If not, why not?
 - o Would you handle the complaint differently if the client told you that they had already spoken to someone else, eg, the SRA/Legal Ombudsman/another solicitor/other advice agencies/the press/their MP?
32. Does this guidance work well? Is there anything that you find difficult about this? Do you think you will change anything in the future?
33. Do you have any experience of using independent assessors/investigators?
- o Was this a positive experience? Would you use them again? Why/Why not?

Remedies

34. How are remedies decided?

- o PROBE IF NECESSARY to understand the basis of the decision - E.g. based on the client and the urgency of their situation/vulnerabilities, how they expressed their dissatisfaction, the severity of their complaint
 - o What would you do if the client expressed dissatisfaction about delay? Would you speed up the remedial process or not?
 - o What type of remedy do you tend to offer if someone complains about the lack of, or potentially misleading, information on costs?
35. What would you do if the client expressed dissatisfaction about a mistake leading to their case being dropped? Are there guidelines in place for how you provide appropriate and proportionate remedial action?
- o PROBE AROUND do they look at Legal Ombudsman guidance if necessary
36. Does this work well? Is there anything that you find difficult about this? Do you think you will change anything in the future?

Measuring consumer feedback (5 minutes)

37. What, in your opinion, is the value of collecting consumer feedback?
38. What types of consumer feedback do you collect on a regular basis? (could refer to their survey answers)
- o Positive as well as negative.
 - o For example, complaints, online reviews, feedback forms etc.
39. What do you do with this information? (staff appraisals/change processes or communications)
40. Do you ever respond to negative feedback through your complaint procedure?
41. In the survey, you said you do/do not look at online reviews – do you ever check for online reviews of other firms?

Interviewee's opinion of publishing complaints data (5 minutes)

Finally we would like to ask your opinion about publishing complaints data as, following the Competition and Markets Authority review of the legal service market, the SRA will be consulting on making more information available to consumers (if asked further about this, and how this might be done: the CMA suggested comparison websites could be a good way of giving more information to consumers; the SRA will go through the consultation process before any decisions are made). Please think in general terms about the value of clients and solicitors' firms having access to complaints data, rather than your own specific recent experiences.

42. Can I just check, do you think it would or would not be useful to publish complaints data for clients to access? Why is that?
43. If data does have to be published, what data would be useful for clients to have and why?

44. If publishing complaints data is only useful in context, what context would be useful?

- o For example, the size of the firm or the area of law?

Changing complaints handling and other procedures (10 minutes)

45. How often (if at all) do you as an organisation review your complaints handling/other procedures?

46. Thinking over time, has the function/role of complaints handling changed within your firm?

- o In what way?
- o Who or what has influenced this? (any changes in staff/firm? Contact with Legal Ombudsman?)
- o Does your firm ever look to other firms' practices when designing and operating their own complaints procedures – how?

IF HAVE CHANGED PROCEDURES

- o Do you monitor the effects of changes?
 - o What procedures have you changed?
47. Thinking more broadly about improving complaints handling/client experiences across the profession, what more could the legal profession do?
48. What about your organisation specifically? Is there anything you could improve?
- o How, in your opinion, do you compare with the rest of the profession?
49. What more could regulators such as the Solicitors Regulation Authority do? And could Legal Ombudsman do anything more to help you and other firms to help you improve the first tier complaints handling process specifically?

Thanks very much for your time today, it's been really useful speaking to you. Just to reiterate that you and your firm will not be identified in the findings for this research, for either the survey or these qualitative depths.

A1.8 Focus group with Legal Ombudsman staff

A1.8.1 Approach

The focus group was carried out with 10 members of the Legal Ombudsman. London Economics conducted the session, with facilitation support provided by the SRA and Legal Ombudsman. The focus group was organised into two sessions.

The first session dealt with triggers for consumers to complain to their solicitors, and barriers that prevent them from complaining.

- What triggers customers to complain?

- Do firms offer enough/the right kind of remedies?
- What barriers do customers face when complaining (or complaining prematurely)?
- Are some barriers specific to customers in circumstances that make them vulnerable?
- What barriers do firms face when addressing complaints?
- What are firms' experiences of addressing 'soft' complaints?

Session 2 dealt with solutions offered by solicitor firms.

- What are examples of good and poor practice when dealing with first tier complaints?
- How could standards and processes be improved when identifying and addressing 'soft' and first tier complaints?
- What more could the SRA and Legal Ombudsman do, working with firms and solicitors, to raise standards and uphold core professional principles?

Each session was structured as follows:

- ~5 minutes session introduction;
- ~20 minutes group discussion; and
- ~15 minutes group feedback and consolidation.



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