



Consumer experiences of complaint handling in the legal services market - Premature complainants

Legal Ombudsman

August 2012

Table of Contents

1	<i>Executive summary</i>	4
2	<i>Introduction</i>	9
2.2	Research method	10
3	<i>Premature complaints : Overview of the premature complaints journey</i>	11
3.1	Introduction	11
3.2	Phase 1 : Pre-contact	11
3.3	Phase 2 : First contact	12
3.4	Phase 3 : Complaining to the legal services provider	12
3.5	Re-contacting the Legal Ombudsman	12
4	<i>Phase 1 : Pre-contact</i>	14
4.1	Introduction	14
4.2	Area of complaint	14
4.3	Reasons for the complaint	15
4.4	Guidance sought pre-contact	17
5	<i>Phase 2 : Contact with the Legal Ombudsman</i>	19
5.1	Introduction	19
5.2	Becoming aware of the Legal Ombudsman	19
5.3	Method of contact	20
5.4	Why people decided to contact the Legal Ombudsman	22
5.5	Why don't people complain to their legal services provider first?	23
5.6	Expectations of the Legal Ombudsman	28
5.7	The advice given by the Legal Ombudsman	31
6	<i>Phase 3: Contacting (or re-contacting) their legal services provider</i>	32
6.1	Overall	32
6.2	Going back to the law firm to make a complaint	32
6.3	Why don't premature complainants go back to their legal services provider?	35
7	<i>Going back to the Legal Ombudsman (second tier complaint)</i>	37
7.1	Introduction	37
7.2	Making a second tier complaint	37

7.3	Why did people whose case was not resolved decide not to re-contact the Legal Ombudsman?	40
8	<i>Rating of overall experience of complaint handling</i>	43
9	<i>Conclusion</i>	48

1 Executive summary

Research context

- 1.1.1 An online survey of 1,010 premature complainants was undertaken. The sample came from contact details held by the Legal Ombudsman of all who had made a premature complaint since October 2010 and for whom an email address was collected.
- 1.1.2 There were 8,000 premature complainants with an email address on the Legal Ombudsman's database and each was sent a unique link to an online survey hosted on the YouGov survey system. The questionnaire was developed in close association with the Legal Ombudsman and piloted to make sure it made sense before going live. A four week fieldwork period was allowed.
- 1.1.3 A complaint is categorised as premature if the complainant has not first made a complaint to the legal services provider dealing with their case or if a formal complaint has been made but the eight week time period for them to respond has not yet elapsed. From the survey it is estimated that 25 per cent of complainants go straight to the Legal Ombudsman without making a complaint first. A further 37 per cent have raised concerns with the legal services provider but have stopped short of making a formal complaint while 35 per cent have made a formal complaint but have yet to have it dealt with. It is estimated that half of these have waited more than eight weeks for the legal services provider to respond.

Experiences before contacting the Legal Ombudsman

- 1.1.4 Conveyancing, family matters and probate were the three main areas of law that individuals complaints related to. For the majority of people (64 per cent) when they contacted the Legal Ombudsman the legal matter was still on-going. Three out of ten people reported that the matter had finished and one in ten (eight per cent) that the matter was still on-going but a different firm was dealing with it.
- 1.1.5 In the first instance, the two main reasons for people making a complaint about their legal service were that mistakes were made by the lawyer in dealing with the matter (reported by 60 per cent) and that the quality of the service was not up to scratch (57 per cent).
- 1.1.6 Nearly half of people (47 per cent) had sought guidance on what to do next from the Legal Ombudsman's website before making initial direct contact with the Legal Ombudsman. Respondents felt that the Legal Ombudsman's website was most likely to guide them to make a formal complaint to the law firm (68 per cent reporting this). A further 53 per cent of people felt that the guidance from the Legal Ombudsman's website was to contact the Legal Ombudsman itself. This shows that there is an issue here relating to clarity of advice and the large potential for people to misinterpret the advice given.
- 1.1.7 Most people become aware of the Legal Ombudsman through their own efforts rather than being signposted by a legal services provider. Searching the internet was the most common method of finding out about the Legal Ombudsman. Being made aware through family and friends was the next most common method.

Why people contacted the Legal Ombudsman?

- 1.1.8 The telephone was by far the most dominant form of communication used to contact the Legal Ombudsman, with 66 per cent of people reporting that they used this method. Just over a quarter of people (27 per cent) contacted the Legal Ombudsman via email and a small minority via a letter (five per cent).
- 1.1.9 The main reasons given by individuals for deciding to make an initial complaint to the Legal Ombudsman were that people thought that this is what they had to do to get their complaint resolved (47 per cent reporting this) and that they read on the Legal Ombudsman site that they resolve complaints against legal services providers (47 per cent).

- 1.1.10 A lack of confidence that the law firm would resolve the complaint fairly was the most cited reason as to why people did not make a formal complaint to the law firm before contacting the Legal Ombudsman.
- 1.1.11 There is also a lack of understanding about where the Legal Ombudsman fits into the complaints process. Many interviewees were not aware that they could direct a complaint to a senior partner at the firm, or that there was a complaints department within the firm they could contact. While this lack of understanding does exist, people were appreciative of the value of contacting the Legal Ombudsman prematurely as it provided them with valuable information about the complaints process and helped them complain directly to their legal services provider.

Expectations of what the Legal Ombudsman would do.

- 1.1.12 The main expectation placed upon the Legal Ombudsman was that they would deal with the complaint, cited by 55 per cent of people. Given that, the parallel research into first-tier complainants has found the first-tier complaints handling process to be off-putting, intimidating and full of legal jargon and there to be a general distrust in the impartiality of law firms handling complaints, this figure is not surprising. Individuals from BME groups were more likely to have higher expectations of the Legal Ombudsman than those from white ethnic groups.
- 1.1.13 Just over a fifth (22 per cent) of people expected the Legal Ombudsman to take the case on from the law firm, which demonstrates a lack of understanding about the function of the Legal Ombudsman. The expectation for the Legal Ombudsman to take on their case tended to derive from the fact that the issue had been seen to go on for a long time before the interviewee went to the Legal Ombudsman and they felt they had reached the end of the line with their legal services provider.

A lack of confidence in the complaints system explains why people do not complain to their law firm.

- 1.1.14 Thirty three per cent of premature complainants do not return to their law firm to make a complaint.. The key question for this is 'why is this'? In the main, there is a lack of confidence in the complaints system that causes people to give up rather than take the

complaint further. The survey shows that people do not believe that the complaints process will work objectively and to complain will disadvantage them.

Dissatisfaction with the outcome of the complaint drives re-contact with the Legal Ombudsman.

1.1.15 The survey shows that 20 per cent of all premature complainants re-contact the Legal Ombudsman. One of the key factors that drives complainants to return to the Legal Ombudsman is dissatisfaction with the outcome of the complaint. Four in 10 complainants at this stage cited that the firm was not prepared to put the matter right (in their view). This view resonates strongly with one of the key reasons why complainants decide not to complain to their legal firm in the first place; the perception that nothing will be done about it and that the legal services provider would not agree that there was a case to answer.

Why did people whose case was not resolved decide not to re-contact the Legal Ombudsman?

1.1.16 It is estimated from the survey that 32 per cent of people who make a premature complaint do not re-contact the Legal Ombudsman even though the matter has not been resolved to their satisfaction through their legal services provider. The reasons that this group do not contact the Legal Ombudsman are focused upon disenchantment with the experience to date. Well over one third felt so fed up that they gave up and one in five did not think it was worth it.

1.1.17 For some people there is an issue of the accessibility of the system. One in 10 people who reach this stage were put off by what they perceived to be a complicated system for appealing to the Legal Ombudsman and a similar proportion do not feel they could go back to the Legal Ombudsman. This underscores the points made earlier about the need for greater clarity on the role of the Legal Ombudsman and the eligibility criteria governing access.

1.1.18 The majority of people felt that overall they had a poor experience in relation to the overall complaints journey. As the figure shows, 61 per cent of people felt their experience was poor, with a quarter (26 per cent) feeling the experience was very poor. Males and those people with a long-standing illness, disability or impairment were significantly more likely to feel that their experience was very poor.

Being proactive, simplifying processes and increasing accountability are areas where the Legal Ombudsman can improve.

- 1.1.19 Many respondents referred to the need for the Legal Ombudsman to be more proactive and undertake a more detailed investigation of the individual case before giving advice.
- 1.1.20 People want the Legal Ombudsman to provide clear and simple language on the procedures to which the legal firm should adhere to. Overall many people wanted the Legal Ombudsman to simplify the process and make it much easier for them to understand.
- 1.1.21 Within the qualitative interviews the (perceived) lack of leverage with legal services providers was a key cause for concern amongst some interviewees. One solution to this problem that was proposed is to set up a system where all complaints against legal services providers are logged. This information would then have to be accessible to consumers when deciding on a legal service provider. As this would put the legal firm's reputation at risk this would then ensure that legal services providers will take more notice when the Legal Ombudsman gets involved.

2 Introduction

2.1 Context

- 2.1.1 This report was commissioned in order to investigate consumer experiences in the legal services market. Two interrelated research projects were undertaken. The first was a qualitative study that analysed the attitudes and experiences of first-tier complainants within legal services to understand what typifies both good and bad complaints processes. The findings of this are available in a separate report.
- 2.1.2 The research contained in this report was an investigation as to why people make a complaint to the Legal Ombudsman without first making a formal complaint to their legal services provider or waiting for the eight week period for a legal services provider to respond to elapse.
- 2.1.3 The research investigates the behaviour and subsequent outcomes for those complainants that have made premature complaints but have not re-contacted the Legal Ombudsman. In particular, the Legal Ombudsman would like to understand whether this is a result of their complaint being adequately resolved at the first tier, or, as the LSB research suggests, there are other barriers to complainants pursuing their complaint. In particular the research investigates:
- What are the key motivations for complainants contacting the Legal Ombudsman prematurely?
 - What perceived challenges, barriers and risks exist in the complaints process at the second tier?
 - Are there any socio – demographic factors that may contribute to complainants contacting the Legal Ombudsman before they had formally complained to their legal services provider?
- 2.1.4 The scope of the research covered a range of legal services that consumers had accessed. Law firms provided the majority of these services and these organisations are mainly the focus of this research.

2.2 Research method

- 2.2.1 An online survey of 1,010 premature complainants was undertaken. The sample came from contact details held by the Legal Ombudsman of all who had made a premature complaint in the previous two years and for whom an email address was collected.
- 2.2.2 There were 8,000 premature complainants with an email address on the Legal Ombudsman's database and each was sent a unique link to an online survey hosted on the YouGov survey system. The questionnaire was developed in close association with the Legal Ombudsman and piloted to make sure it made sense before going live. A four week fieldwork period was allowed.

3 Premature complaints : Overview of the premature complaints journey

3.1 Introduction

- 3.1.1 The focus of this report is why people make a premature complaint to the Legal Ombudsman. A complaint is categorised as premature if the complainant has not first made a complaint to the legal services provider dealing with their case or if a formal complaint has been made but the eight week time period for them to respond has not yet elapsed. From the survey it is estimated that 25 per cent of complainants go straight to the Legal Ombudsman without making a complaint first. A further 37 per cent have raised concerns with the legal services provider but have stopped short of making a formal complaint while 35 per cent have made a formal complaint but have yet to have it dealt with. It is estimated that half of these have waited more than eight weeks for the legal services provider to respond.
- 3.1.2 This report analyses the stages of the premature complaint journey. As a precursor to this an overview is provided of the premature complaints journey from making the initial contact through to going back to the Legal Ombudsman to make a second tier complaint. The premature complaints journey has been divided into four phases that reflect the sequence experienced by complainants. In the diagram overleaf the sequence is represented by boxes connected by arrows. The percentage tab above each box refers to the proportion of premature complainants who passed through this stage. For clarity, the percentage figure is based upon all premature complainants in the survey. For example 100 per cent of all respondents made a premature complaint and 20 per cent of all survey respondents re-contacted the Legal Ombudsman after making a first tier complaint to the law firm.
- 3.1.3 The diagram also shows the issues that the report covers in each of the phases. In summary, the phases are:

3.2 Phase 1 : Pre-contact

- 3.2.1 This phase covers the period prior to contacting the Legal Ombudsman and gives a background to the area of law (conveyancing, probate, family and so on) that the matter related to and the nature of the problem experienced.

3.3 Phase 2 : First contact

3.3.1 This stage discusses how respondents became aware of the Legal Ombudsman, how contact was made, what complainants expected the Legal Ombudsman to do and what advice and assistance they gave.

3.4 Phase 3 : Complaining to the legal services provider

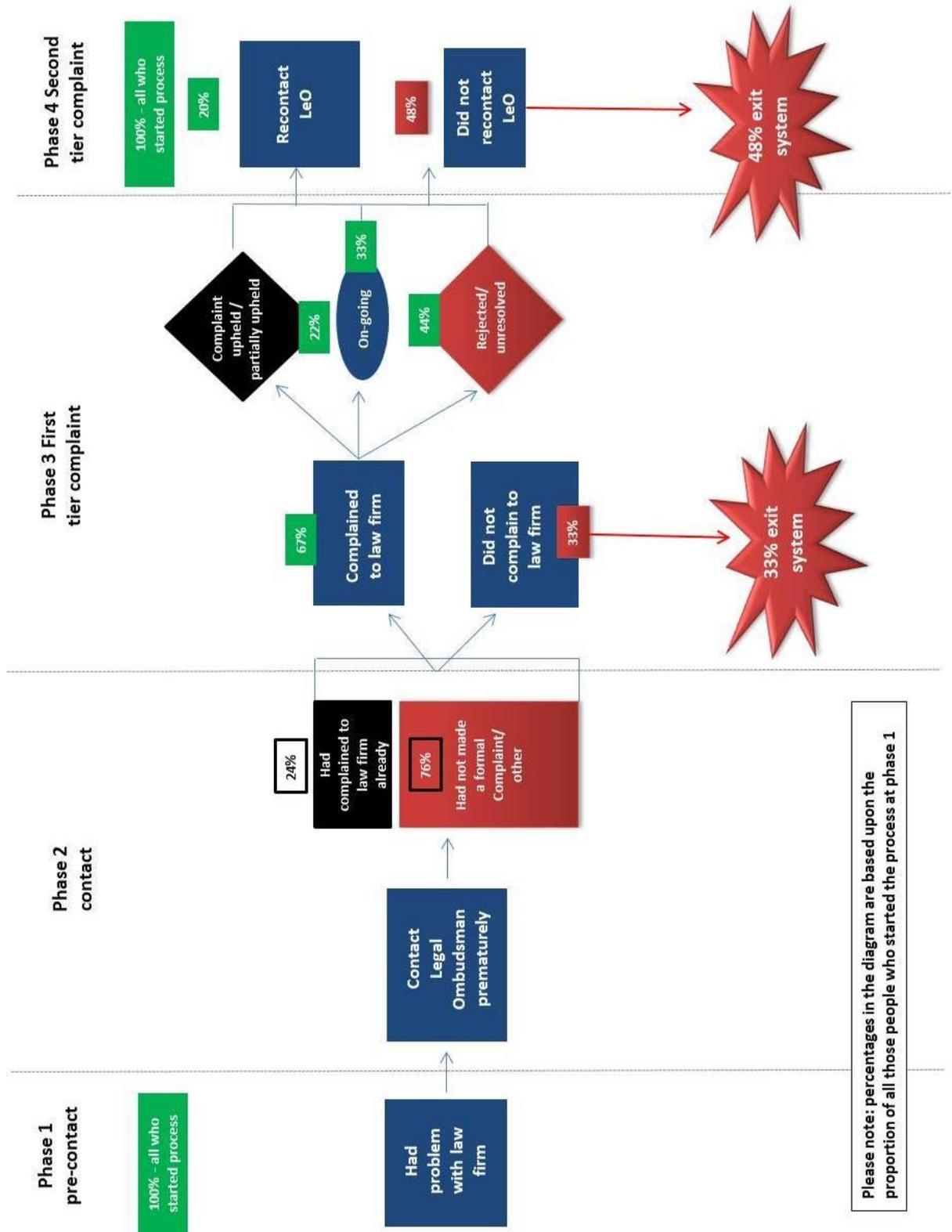
3.4.1 Complainants are advised to either make a first tier complaint or to give the legal service provider adequate opportunity to respond to their complaint (depending on whether they had already complained to the legal service provider). The Legal Ombudsman considers 8 weeks to be a reasonable amount of time for the law firm to respond to first tier complaints.. The survey shows that 67 per cent go back to the legal services provider following the first contact with the Legal Ombudsman. This means that one third of premature complainants end their journey during this phase although some of these cases are still ongoing and could potentially come back to the Legal Ombudsman. Overall, 13 per cent of premature complainants have a successful outcome to their complaint, after they had complained to their law firm.

3.4.2 This section of the report analyses the reasons why people do not go back to their legal services provider and what the outcome was for people who did.

3.5 Re-contacting the Legal Ombudsman

3.5.1 The final phase in the journey is for those who return to the Legal Ombudsman having first gone back to their legal services provider or made a complaint for the first time. It is estimated that 20 per cent of premature complainants re-contact the Legal Ombudsman. This section looks at the reasons for going back and why people whose case has not been resolved (32 per cent of premature complainants) do not take things further.

3.5.2 This section on the premature complaints journey concludes by discussing respondents views on the overall journey that they have completed.



Please note: percentages in the diagram are based upon the proportion of all those people who started the process at phase 1

4 Phase 1 : Pre-contact

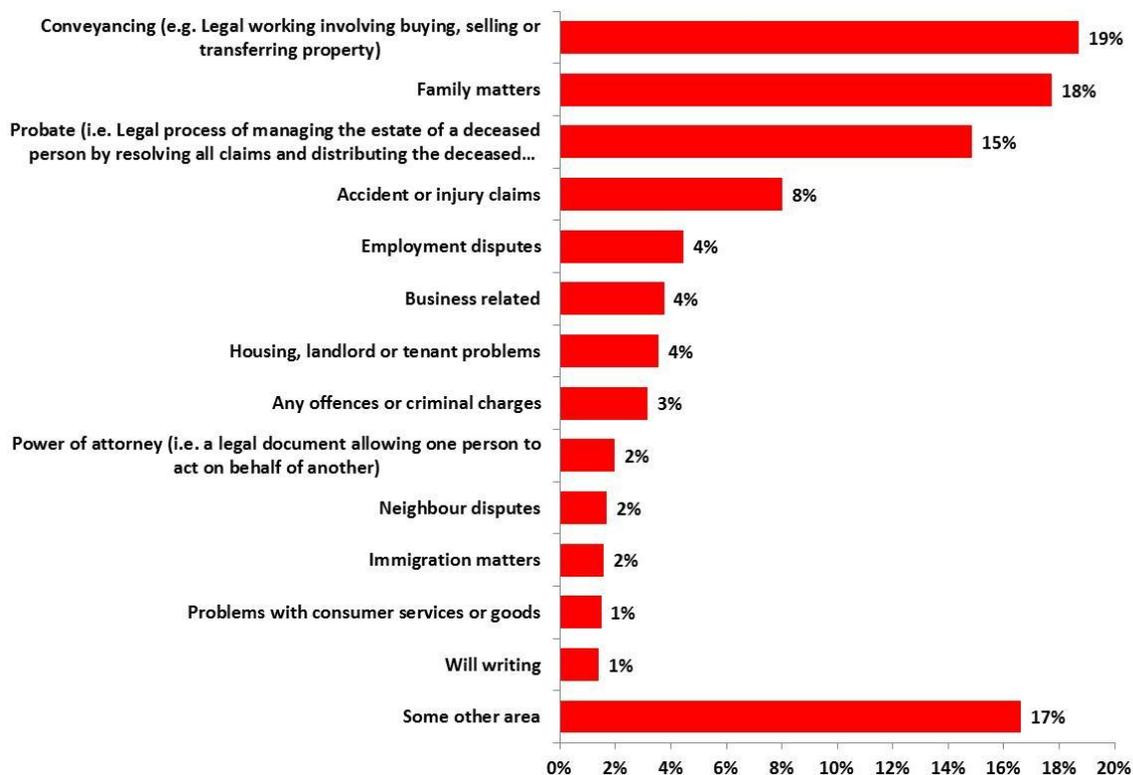
4.1 Introduction

4.1.1 In this chapter details about the complaint and the area of law the matter related to are discussed. The chapter also looks at whether people sought guidance on what to do before contacting the Legal Ombudsman and what this guidance amounted to.

4.2 Area of complaint

4.2.1 Conveyancing, family matters and probate were the three main areas of law that individuals complaints related to. The older age groups (45-65+) were significantly more likely than the younger age groups to have a complaint regarding probate (14 per cent of 45-64 and 29 per cent of 65+ compared with five per cent of 35-44). In contrast, 16-34 year olds were significantly more likely be making a complaint regarding conveyancing.

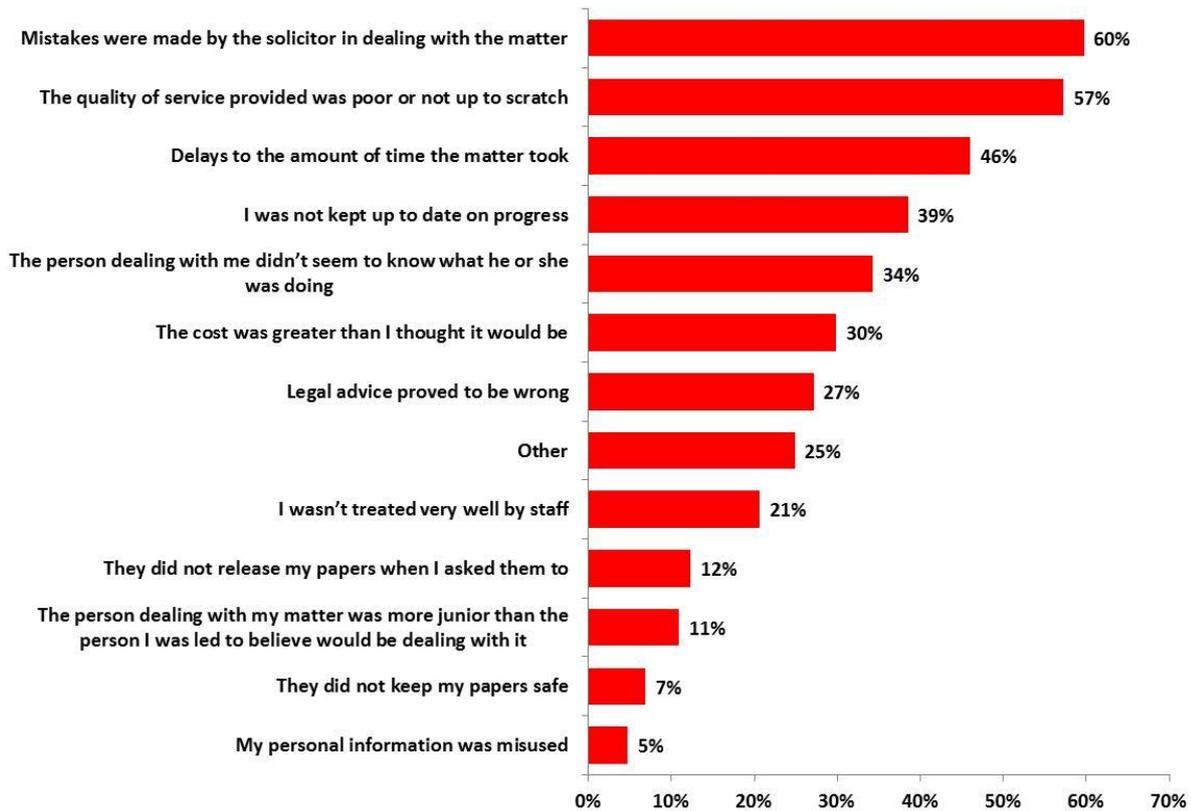
Figure 1: Area of law that complaints related to (multiple response)



Base: All respondents n=1,011

quality of the service was not up to scratch (57 per cent). Delays in the amount of time that the work took (46 per cent) and not being kept up to date on progress (39 per cent) were also important factors behind individual’s complaints.

Figure 3: Reasons for complaint (multiple response)



Base: All respondents n=1,011

4.3.2 There were some important differences by demographics in the reasons why individuals had decided to make a complaint:

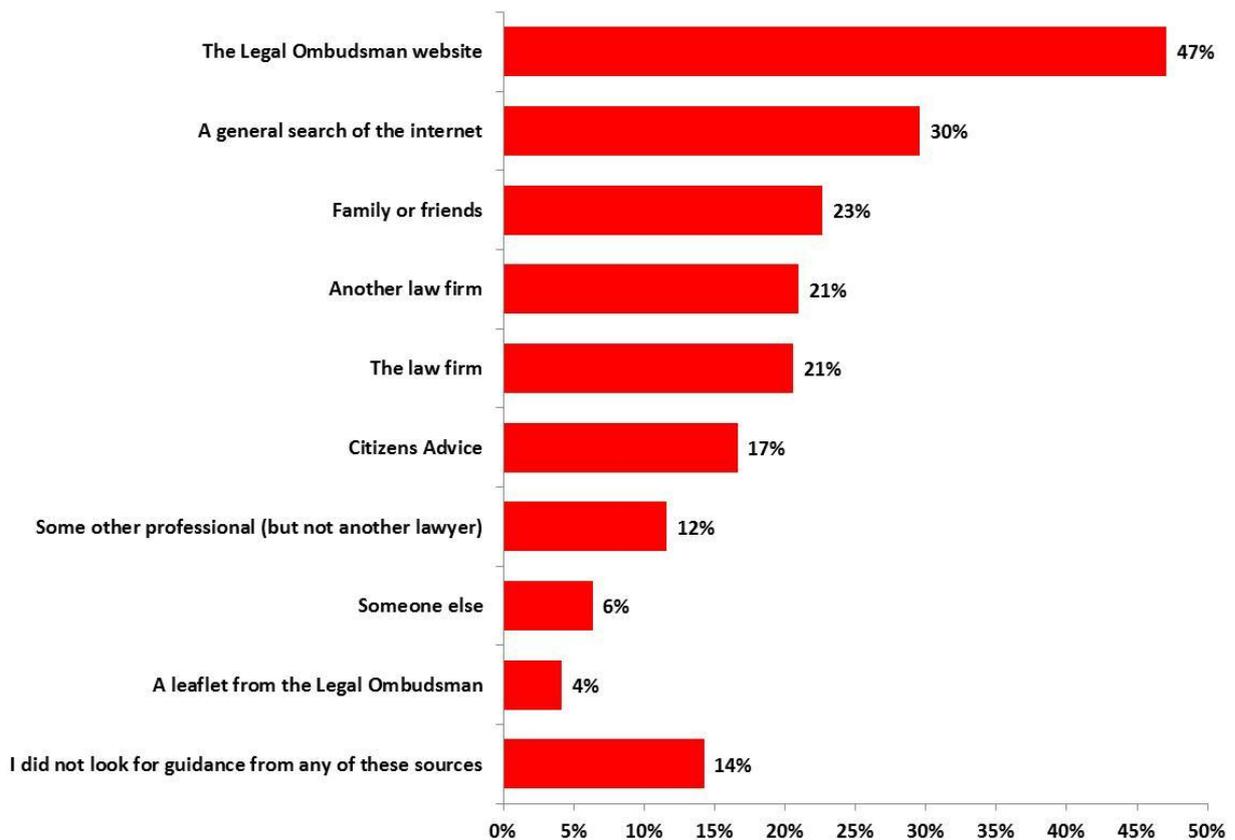
- Women were significantly more likely than men to complain about:
 - The quality of service provided was poor or not up to scratch (61 per cent of women compared with 52 per cent of men)
 - Delays to the amount of time the matter took (49 per cent of women compared with 43 per cent of men)

- Not kept up to date on progress (43 per cent of women compared with 34 per cent of men)
- The person dealing with me didn't seem to know what he or she was doing (39 per cent of women compared to 30 per cent of men)

4.4 Guidance sought pre-contact

4.4.1 Nearly half of people (47 per cent) had sought guidance on what to do next from the Legal Ombudsman's website before making initial direct contact with the Legal Ombudsman. This was the most popular source of guidance, followed by a more general search of the internet (30 per cent). A fifth of people contacted their law firm or another law firm for guidance before contacting the Legal Ombudsman.

Figure 4: Sources from which guidance is sought prior to contacting the Legal Ombudsman (multiple response)



Base: All respondents n=1,011

4.4.2 In total 23 per cent of people sought guidance from family and friends, with women (28 per cent) and people from a BME group (36 per cent) significantly more likely to do this.

4.4.3 The figure below shows respondents felt that the Legal Ombudsman website was most likely to guide them to make a formal complaint to the law firm (68 per cent reporting this). A further 53 per cent of people felt that the guidance from the Legal Ombudsman’s website was to contact the Legal Ombudsman itself. This shows that there is an issue here relating to clarity of advice and the large potential for people to misinterpret the advice given. The Legal Ombudsman may wish to review its website communications and undertake some cognitive testing on any changes to ensure that there is no confusion over the advice given.

4.4.4 The guidance to contact the Legal Ombudsman was also the most common type of guidance given by all of the other sources with exception of the law firm in question. Forty four per cent of people reported that their law firm gave them guidance to make a formal complaint to the firm and a further 20 per cent reported that their law firm guided them to do nothing.

Figure 5: Guidance given by source

	Make a formal complaint to the law firm	Contact the Legal Ombudsman	Ask the CAB to help	Complain to the Law Society	Seek help from another firm of solicitors	Do nothing	I couldn't find any guidance on what to do
The law firm (n=208)	44%	20%	3%	12%	10%	20%	21%
Citizens Advice (n=168)	36%	60%	14%	27%	18%	4%	12%
Family or friends (n=229)	35%	58%	17%	35%	27%	6%	9%
Another law firm (n=212)	47%	50%	5%	25%	26%	6%	14%
Some other professional (but not another lawyer) (n=117)	45%	56%	11%	37%	27%	5%	9%
The Legal Ombudsman website (n=476)	68%	53%	7%	15%	5%	1%	7%
A leaflet from the Legal Ombudsman (n=42)	33%	43%	5%	12%	10%	7%	14%
A general search of the internet (n=229)	41%	68%	15%	28%	15%	2%	10%
Someone else (n=64)	38%	58%	22%	33%	30%	6%	9%

Note: Green shading represents highest percentage for that source of guidance and red the lowest percentage

5 Phase 2 : Contact with the Legal Ombudsman

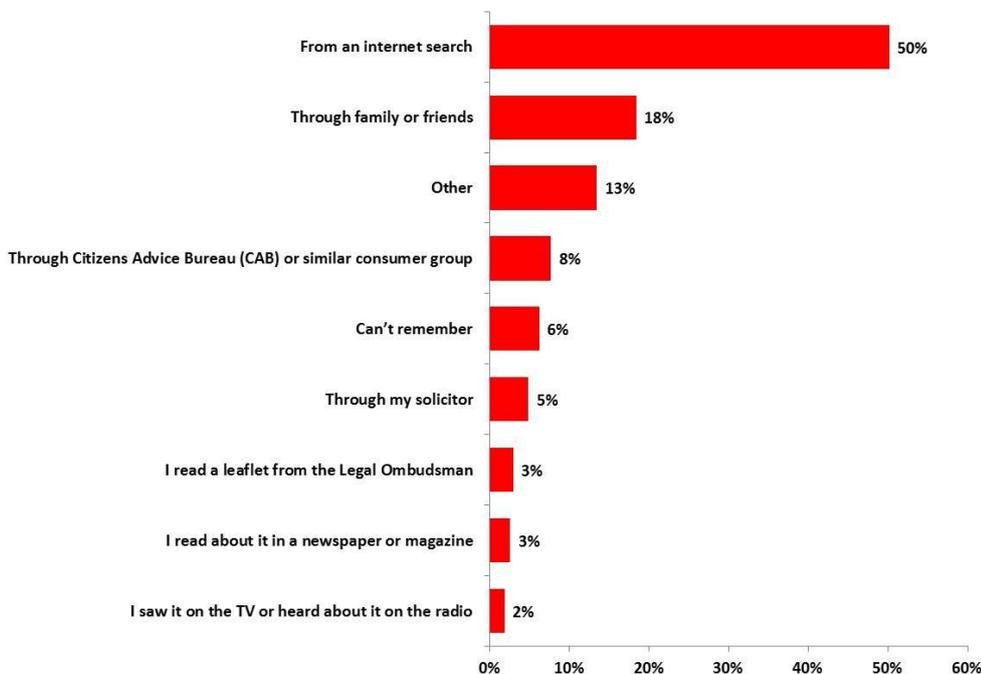
5.1 Introduction

5.1.1 In this chapter analysis is undertaken on how contact with the Legal Ombudsman was made, why people contacted the Legal Ombudsman before making a complaint and what were they told to do once they had contacted the Legal Ombudsman.

5.2 Becoming aware of the Legal Ombudsman

5.2.1 Most people become aware of the Legal Ombudsman through their own efforts rather than being signposted by a legal services provider. Searching the internet was the most common method of finding out about the Legal Ombudsman. Being made aware through family and friends was the next most common method. Only five per cent of people were made aware of the Legal Ombudsman by their legal services provider (as may be expected as these people had complained directly to the Legal Ombudsman before complaining to their legal services provider) and advertising through leaflets, newspapers, or the TV and radio were rarely mentioned as ways in which people became aware of the Legal Ombudsman.

Figure 6: Ways in which people were first made aware of the Legal Ombudsman (multiple response)



Base: All respondents n=1,011

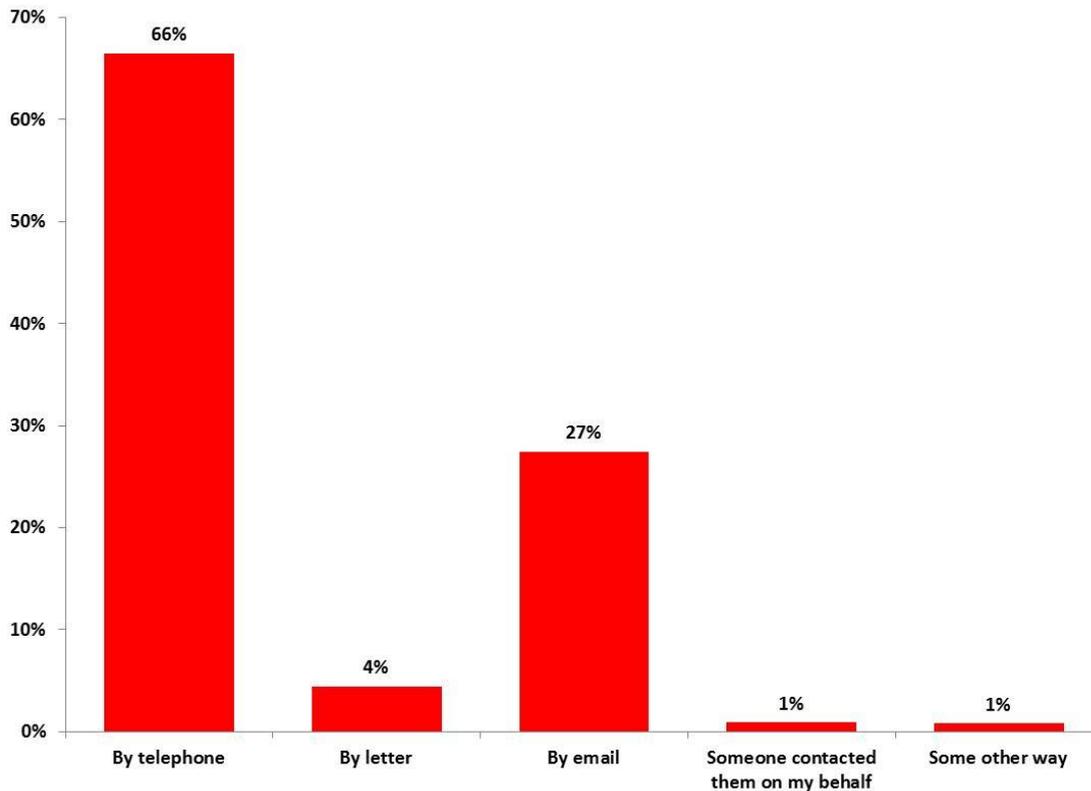
5.2.2 While in the main there was little difference between demographics, people from BME groups were significantly more likely to of been made aware of the Legal Ombudsman through the Citizens Advice Bureau (CAB) or similar consumer group (14 per cent compared with seven per cent of people from the white ethnic group).

5.2.3 Some people referenced other ways in which they became aware of the Legal Ombudsman, with people aged 65+ more likely to report other method (21 per cent compared to 13 per cent). The most mentioned other methods of becoming aware of the Legal Ombudsman were the Law Society and the Legal services providers Regulation Authority. A small number of people also mentioned that they 'were already aware of the Legal Ombudsman'.

5.3 Method of contact

5.3.1 The telephone was by far the most dominant form of communication used to contact the Legal Ombudsman, with 66 per cent of people reporting that they used this method. Just over a quarter of people (27 per cent) contacted the Legal Ombudsman via email and a small minority via a letter (five per cent).

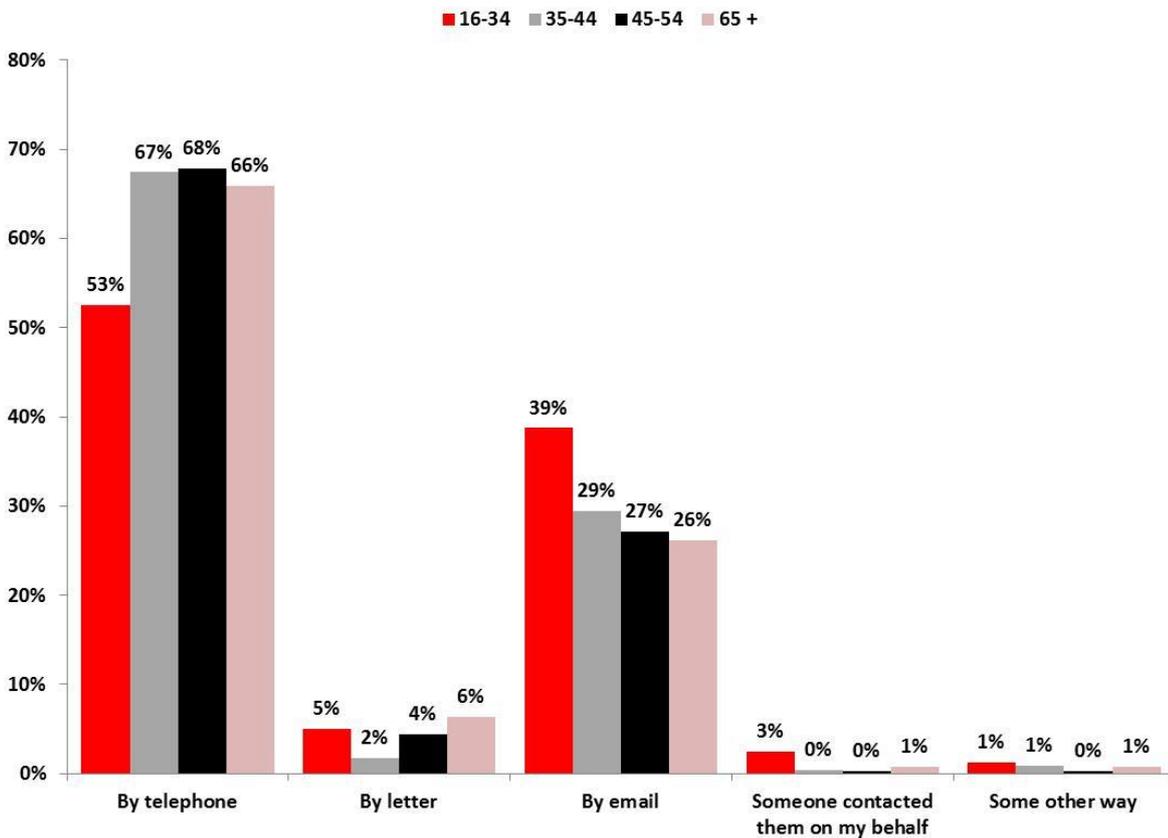
Figure 7: Method of initial contact with the Legal Ombudsman



Base: All respondents n=1,011

5.3.2 There are differences in the methods used to contact the Legal Ombudsman by age and ethnicity. The youngest age groups (16-34) are less likely than older age groups to contact the Legal Ombudsman by telephone and more likely to use email.

Figure 8: Method of initial contact with the Legal Ombudsman by age



Base: 16-34 n=80, 35-44 n=224, 45-54 n=317, 65+ n=126

5.3.3 Black and minority ethnic (BME) groups were more likely to contact the Legal Ombudsman by telephone, with 78 per cent of BME respondents reporting this compared with 64 per cent of people who are from the white ethnic group. In contrast, email use was higher for those from the white ethnic group than BME respondents, with 29 per cent of white respondents reporting that they contacted the Legal Ombudsman via email compared with 16 per cent of BME respondents.

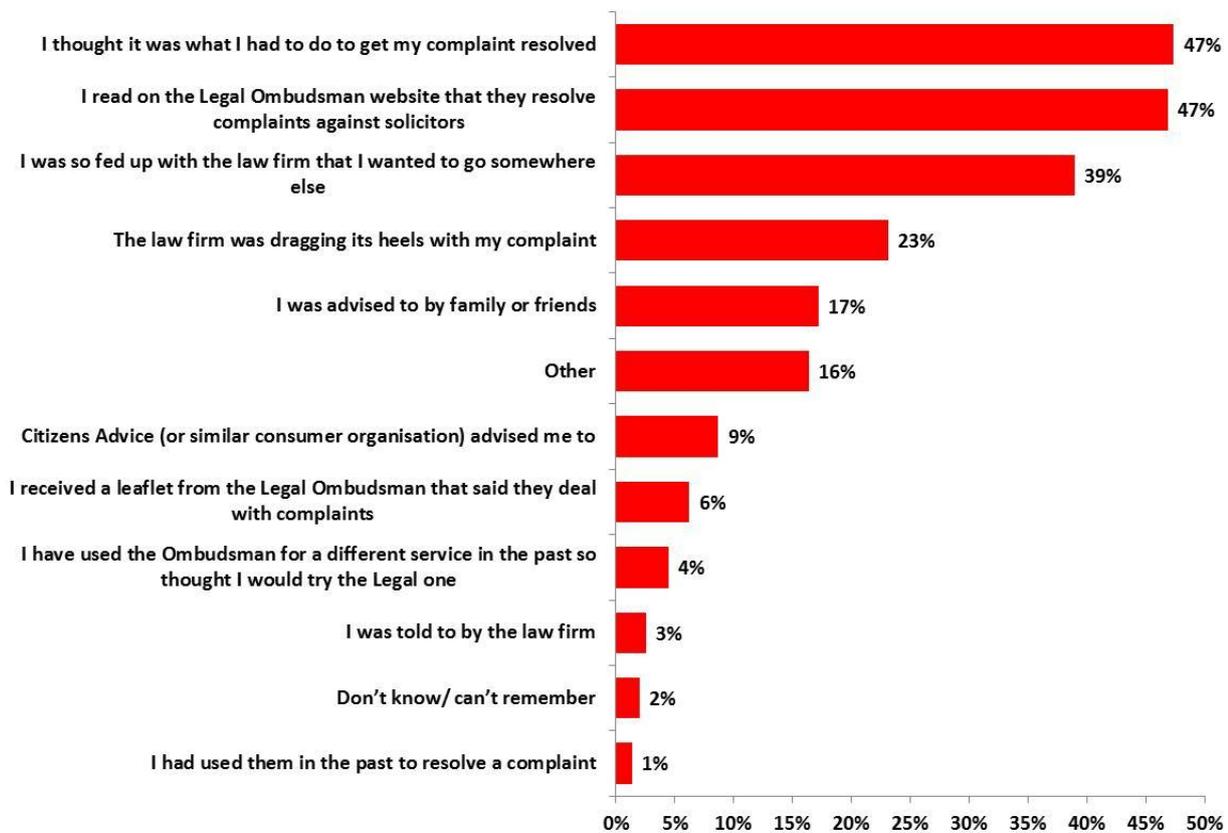
5.4 Why people decided to contact the Legal Ombudsman

5.4.1 The main reasons given by individuals for deciding to make an initial complaint to the Legal Ombudsman were that people thought that this is what they had to do to get their complaint

resolved (47 per cent reporting this) and that they read on the Legal Ombudsman site that they resolve complaints against legal services providers (47 per cent).

5.4.2 Much lower numbers of people complained to the Legal Ombudsman because their legal firm told them to (three per cent) or had used the Legal Ombudsman before in the past (one per cent).

Figure 9: Reasons for making a complaint to the Legal Ombudsman (multiple response)



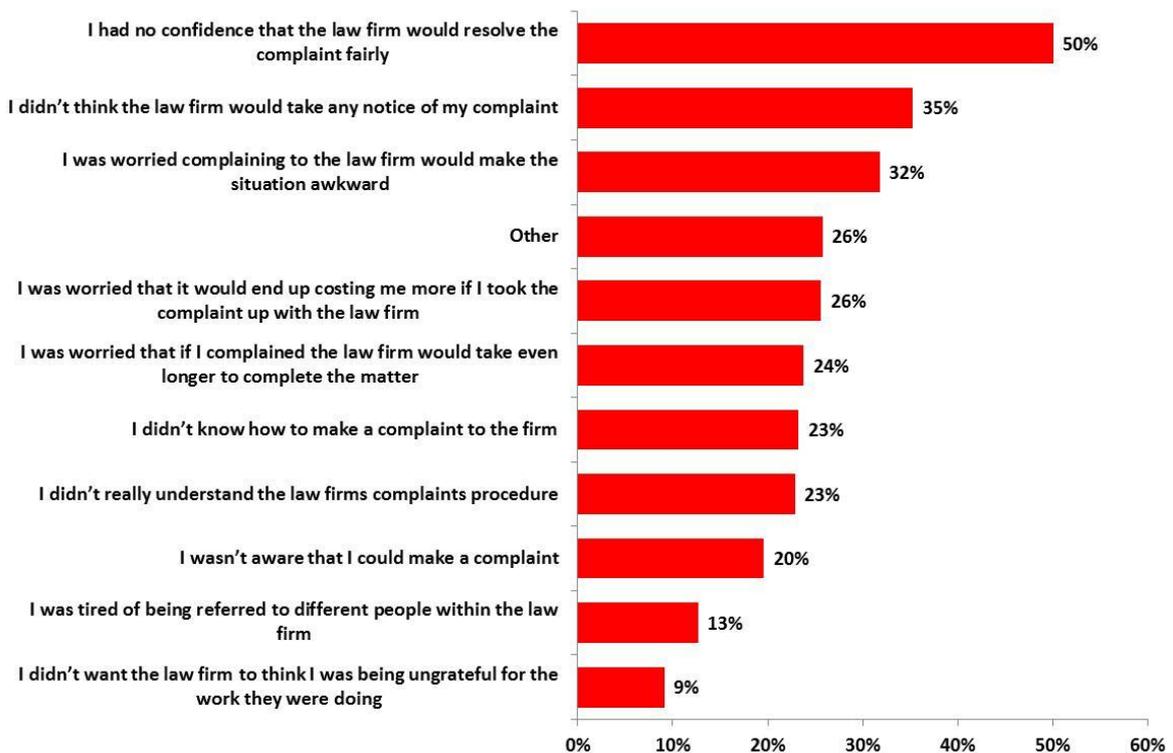
Base: All respondents n=1,011

5.5 Why don't people complain to their legal services provider first?

5.5.1 Looking exclusively at those who had not made a formal complaint to their legal services provider before contacting the Legal Ombudsman (two thirds of premature complainants). A lack of confidence that the law firm would resolve the complaint fairly was the most cited

reason as to why people did not make a formal complaint to the law firm before contacting the Legal Ombudsman.

Figure 10: Reasons for making a complaint to the Legal Ombudsman (multiple response)



Base: All who didn't complain to their law firm n=765

5.5.2 As figure 10 shows, further concerns about the law firm that meant people contacted the Legal Ombudsman first were that people didn't think that the law firm would take any notice of their complaint (cited by 35 per cent) and there were worries that complaining to the law firm would make the situation awkward (32 per cent). The reluctance to act because of the potential awkwardness that could be caused was highlighted earlier in the qualitative work with first-tier complainants as an important barrier to people making a first-tier complaint.

5.5.3 Women were significantly more likely than men to feel that the law firm would not take any notice of the complaint (43 per cent of women compared with 27 per cent of men) and that the law firm would make the situation awkward (37 per cent compared with 26 per cent).

- 5.5.4 The qualitative interviews with premature complainants adds further detail as to why people do not go to the legal services provider first. Some interviewees contacted the Legal Ombudsman prior to making a formal complaint as they wanted to speak with someone other than the legal services provider dealing with their case. This generally arose when there had been a breakdown in communication between the interviewee and their legal services provider, or when the interviewee was unhappy with a particular response received from the legal services provider.
- 5.5.5 As has already been seen, there is a lack of understanding about where the Legal Ombudsman fits into the complaints process. Many interviewees were not aware that they could direct a complaint to a senior partner at the firm, or that there was a complaints department within the firm they could contact as 'David's' case below illustrates.

Interviewees were concerned that no one in the firm would review their case impartially, particularly when fees and costs are involved.

'I felt that they would be very defensive. I assumed the whole firm would treat me in the same way so I thought that there wasn't any point taking it internally to the firm' (Natalie)

5.5.7 However, most were happy to go back to the firm upon finding out from the Legal Ombudsman that a senior partner at the firm would handle their complaint.

'I didn't understand about had they had quite an independent complaints office. If I'd known that, then I might have gone to the complaints officer straight away, you know, but I didn't know that that's how it works' (Natalie)

5.5.8 In some cases, the interviewee contacted the Legal Ombudsman as they were unable to get through to the legal services provider dealing with their case. The case was often still ongoing, with the interviewee having made a number of attempts to contact the legal services provider, often under pressure to meet deadlines and therefore seeking to resolve the issue as quickly as possible.

'It was just like nobody was listening to you. This all went on for four months and every month we were losing money.' (Gemma)

'I couldn't get hold of him [her legal services provider], he wasn't returning my calls, and basically that's when I contacted the company [Legal Ombudsman]' (Gemma)

5.5.9 After being unable to get through to the legal services provider dealing with their case at the firm, this respondent contacted the Legal Ombudsman as they felt unable to resolve the matter with their legal services provider or gain advice on how to make a complaint from the firm itself.

5.5.10 It was shown earlier that about one third of complainants raise issues with their legal services provider but do not make a formal complaint and the qualitative work with premature complainants illustrates why this happens. A number of interviewees were not satisfied with the response from their legal services provider and contacted the Legal Ombudsman to make a formal complaint, unaware that they needed to make this complaint internally first.

5.5.11 In the case below, the complainant received a bill for £1,800 from the legal services providers firm and was unable to get a satisfactory response from the firm on a breakdown of these costs, particularly on why he continued to be billed after the work had been completed.

'I asked them about three times 'What are you charging me for? I have a letter off you that says you stopped working for me on this date, so what are you charging me for on these dates?' I think after the third time, I didn't get any sensible response, and I didn't get any explanation other than, 'It's the itemised bill. That's what you owe. Pay it.' That's when I got in touch with the Ombudsman' (Thomas)

5.5.12 The respondent contacted the Legal Ombudsman as he was unaware of the complaints process, and did not know that he needed to make a formal complaint to the legal services providers, rather than just expressing his dissatisfaction verbally.

'I was asked if I'd made an official complaint with the legal services providers, and I said, 'Well, I've not actually said the words, I am complaining but I have asked them three times to explain, I've not said the words, I am now complaining, and so you could say I haven't made a complaint.' (Thomas)

5.5.13 Over half (55 per cent) of premature complainants have not been made aware of the complaints process. Based on the evidence from qualitative research with first-tier complainants about soft cues to complaining it is likely that a significant proportion may assume that they have lodged a formal complaint with the firm by expressing their dissatisfaction to their legal services provider and that the next course of action is to take the complaint to the Legal Ombudsman.

5.5.14 Lack of understanding of the complaints process can drive people to contact the Legal Ombudsman prematurely to gain advice on whether they should make a formal complaint to the firm. In these scenarios, interviewees were unsure whether they had a case to make or whether there would be any benefits in making a complaint.

5.5.15 Just under a third (32 per cent) of respondents feel uneasy about making a complaint towards the firm as they did not want a further breakdown in their relationship with the legal services provider or an escalation of the costs involved. Contacting the Legal Ombudsman is a way of 'testing the water', seeking advice from the legal profession to assess the possibility of making a complaint and so avoiding bad feeling and increased costs.

'I didn't know whether to take it further. I didn't know whether to just let it be and it was me being stupid' (Sharon)

5.5.16 In another case the interviewee thought he was not able to make a complaint to the legal firm on a personal level, and therefore contacted the Legal Ombudsman to gain advice on the cost effectiveness of hiring another legal services provider to make the complaint against the firm.

'What I was going to originally do was go to another legal services providers, maybe, and see whether I could find somewhere that do like a negligence claim, or something like that. I didn't think of complaining myself. Mainly because I didn't think I could.' (Russell)

5.5.17 This discussion shows that awareness of a formal complaints procedure is low. Furthermore, the independence and impartiality of the complaint handling partners involved in handling complaints is not recognised currently, and both of these factors are key drivers in explaining why people make a complaint to the Legal Ombudsman rather than their legal services provider.

5.6 Expectations of the Legal Ombudsman

5.6.1 The main expectation placed upon the Legal Ombudsman was that they would deal with the complaint, cited by 55 per cent of people. Given that, the parallel research has found the first-tier complaints handling process to be off-putting, intimidating and full of legal jargon and there to be a general distrust in the impartiality of law firms handling complaints, this figure is not surprising. The qualitative interviews highlighted that premature complainants were often surprised that they had to go back to the legal services provider first to make an official complaint as they had not heard about an official complaints procedure before.

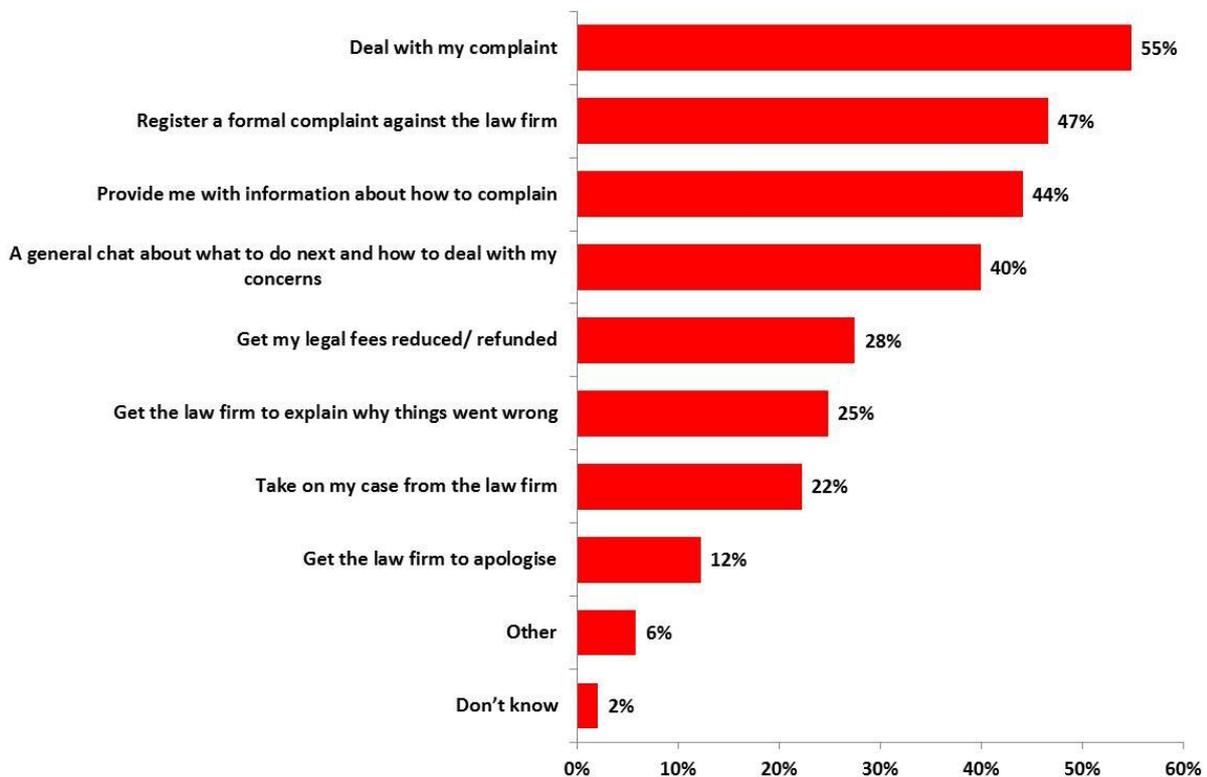
'I guess I was hoping they would take it up for me immediately, and just, kind of, fight it for me. That's what I was honestly hoping. But at the same time, I knew that probably wouldn't happen, so I was really calling them just for real first level advice, because I literally don't know anything about how to deal with this kind of stuff' (Natalie)

'I think I was maybe expecting them to mediate on my behalf.' (David)

'Yes, I did [expect them to take on my case], but I didn't know much about them. I just presumed that's what they did. I didn't realise there were other things that had to be done before they did that' (Sharon)

5.6.2 There was also the expectation that the Legal Ombudsman would register a formal complaint against the law firm (47 per cent) and that the Ombudsman would provide further information about how to complain (44 per cent). A significant proportion of respondents contacted the Legal Ombudsman in order to get advice on how to make a complaint.

Figure 11: Expectations of the Legal Ombudsman (multiple response)



Base: All respondents n=1,011

5.6.3 There was less expectation that the Legal Ombudsman would get the law firm to apologise (12 per cent). This is in sharp contrast to the expectations of first-tier complainants who wanted to have an apology. Just over a fifth (22 per cent) of people expected the Legal Ombudsman to take the case on from the law firm, which demonstrates a lack of understanding about the function of the Legal Ombudsman.

5.6.4 The expectation for the Legal Ombudsman to take on their case tended to derive from the fact that the issue had been seen to go on for a long time before the interviewee went to the Legal Ombudsman and they felt they had reached the end of the line with their legal services provider. Other interviewees felt so emotionally (and sometimes also physically) drained that they hoped the Legal Ombudsman would take the case on as they did not feel able to do it themselves.

'I wish they could have done a bit more at the time, because I didn't want to deal with it. It was too much to go through.' (Sharon)

'I think they could have approached the legal services provider on my behalf [...] and could have taken note of what I was telling them; that I was struggling to write things and focus on a constant basis. [...] I didn't feel that I get the help that I needed.' (Sophie)

5.6.5 While it is outside of the remit of the Legal Ombudsman to complain to the law firm on behalf of the individual, the Legal Ombudsman does provide the option to people to write to the law firm and inform that a complaint had been lodged.

5.6.6 The initial contact is used by many people to talk through the process and to get information on what happens next. Part of this is to obtain advice that gives them confidence that their case is worth fighting and to demystify the process. Some of the premature complainants interviewed felt intimidated by the language their legal services provider used in correspondence, and needed to be reassured that there was now someone who was on their side.

'I was quite happy with the service and the advice I got. I mean, I actually felt quite reassured and quite comfortable, then, going and complaining to the legal services provider knowing that there was actually someone in my corner.' (Thomas)

'I felt then like I wasn't fighting alone. That I had some back up to draw upon. Now obviously..., I didn't know how far they would have supported me and what they could have done, you know' (Gemma)

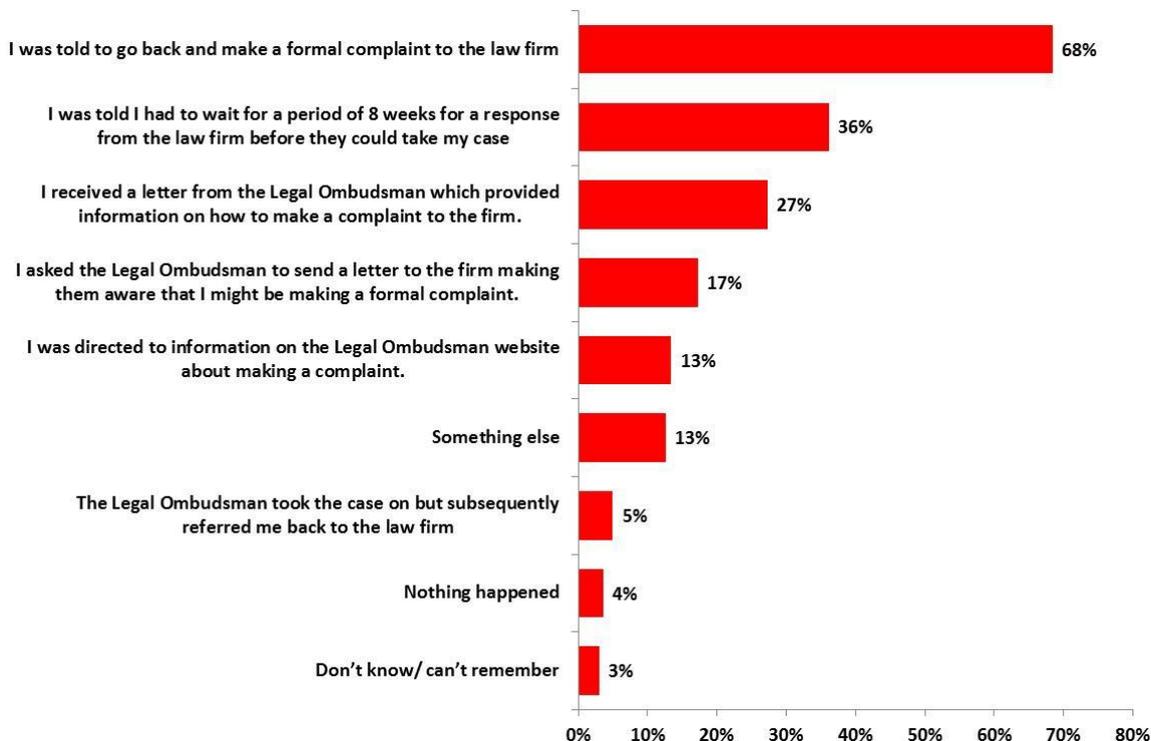
5.6.7 Individuals from BME groups were more likely to have higher expectations of the Legal Ombudsman than those from white ethnic groups. In particular BME groups were significantly more likely to expect the Legal Ombudsman to:

- Deal with their complaint (65 per cent of BME compared with 53 per cent of white groups)
- Register a formal complaint against the law firm (56 per cent compared with 44 per cent)
- Get legal fees reduced/refunded (36 per cent compared with 23 per cent)
- Take on their case from the legal firm (30 per cent compared with 21 per cent)

5.7 The advice given by the Legal Ombudsman

5.7.1 The majority of people (67 per cent) who contacted the Legal Ombudsman were told to go back and make a formal complaint to the law firm or wait for 8 weeks for a response from the law firm. Just over a quarter (27 per cent) received a letter from the Legal Ombudsman providing information on how to complain to the firm.

Figure 12: Initial action by the Legal Ombudsman (multiple response)



Base: All respondents n=1,006

6 Phase 3: Contacting (or re-contacting) their legal services provider

6.1 Overall

6.1.1 In this section analysis is undertaken of what happened after the initial contact with the Legal Ombudsman. In particular the section analyses whether people followed the advice and made a formal complaint to the law firm and the reasons for not making a complaint.

6.2 Going back to the law firm to make a complaint

6.2.1 Just over two thirds of respondents (67 per cent) followed advice and contacted (or re-contacted) the law firm. This figure is consistent across the areas of law that the matter related to and the key demographic characteristics of respondents.

6.2.2 The qualitative interviews suggest that those who decided to submit a formal complaint tended to ensure they were going exactly 'by the book' and often checked with the Legal Ombudsman what was required of them. Some also received advice from the Legal Ombudsman on how to draft a letter or were forwarded a template that they could alter and use for their complaints letter. By doing this, the interviewees were trying to feel in control of the complaints process they were about to enter so the ball would be in the legal services provider's court.

6.2.3 After submitting their official complaints letter, some interviewees noticed there was a change in the tone of their legal services provider when confirming receipt. Where first they had felt intimidated by the tone employed by their legal services provider – sometimes threatening to take legal action against them – after submitting their complaints letters they received a polite reply as illustrated in Thomas' case study below.

Case Study: Thomas

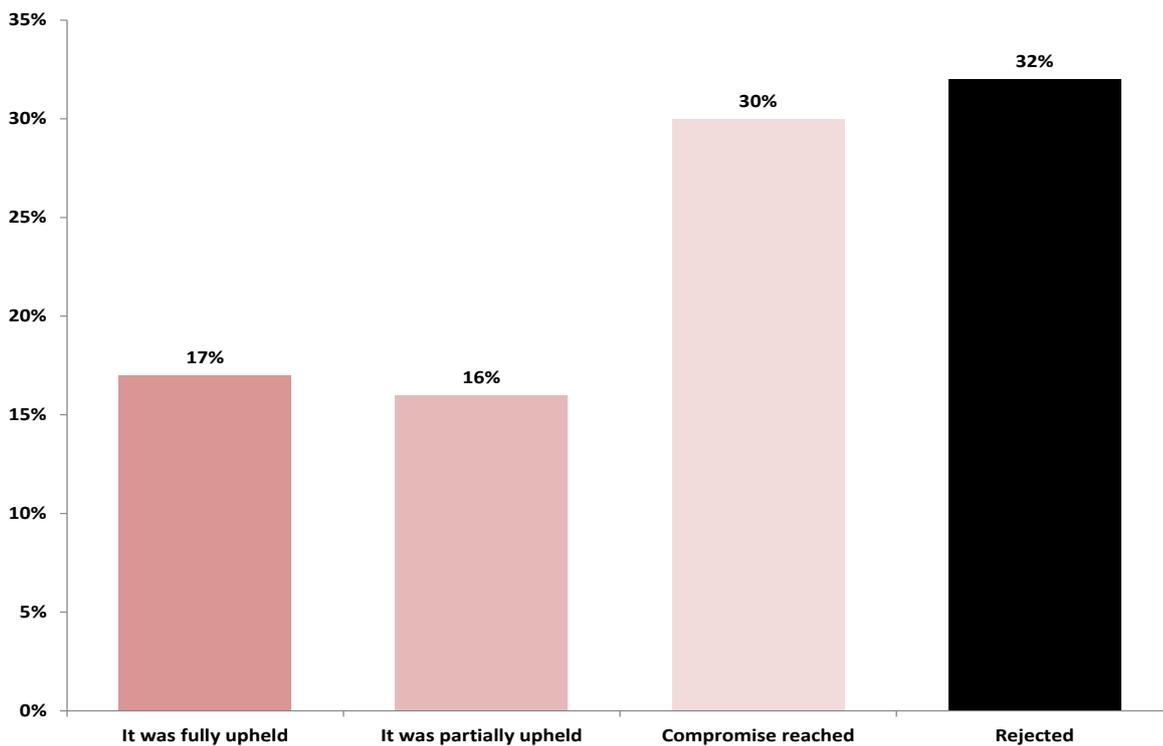
Thomas had gone to a legal services provider for advice and representation in court for a residence for his son. He was told in writing that the total cost would be no more than £4000. A week before he was due in court his legal services provider informed him the total bill would go up to £15000 and he would have to pay £10000 up front. As Thomas was not able to afford this the legal services provider stopped representing him and he became self-litigating. He settled the outstanding bill and thought the case was over with that.

But then he received another letter asking for a further payment of £1800 for work they supposedly had completed after they had stopped working for Thomas. He asked the legal services provider to explain what he was charged for and the response he got was *'We've sent you an itemised bill, that explains everything for you.'* I got the impression they were kind of saying, *'You've seen the itemised bill and if you can't understand it's not our fault you're too thick.'*

He started to feel intimidated by the legal services provider *'It was mentioned a couple of times in the phone conversations 'We hope it won't be necessary to start talking legal action against you', and when you start hearing that from a firm of legal services providers you know full well that they're not worried about what it's going to cost them to go to court because they are their own legal services providers.* He then went to the legal Ombudsman who told him he had to write an official complaints letter and reassured him by calling the legal services provider and informing them they were going to receive an official complaints letter. After he submitted his letter he received a reply; *when they acknowledged the receipt of my complaint it was as though the whole tone of what they were saying had changed. [...] It had gone back to being very courteous and polite again. I'd say this was definitely the impact of the Legal Ombudsman.*

- 6.2.4 Thomas's experience contradicts the feeling that complaining would result in awkwardness and problems in dealing with the legal services provider. This does not mean that consumers who see awkwardness as a barrier to complaining are wrong. Rather, what appears to be happening is that the input of the Legal Ombudsman has de-personalised the issue.
- 6.2.5 A significant number of people who returned to their legal services provider to make a complaint received a positive outcome as seen in the chart below.

Figure 13: Outcome for those who went back to the law firm to make a complaint following contact with the Legal Ombudsman



Base=673

6.2.6 One third of respondents had their complaint fully or partially upheld and a further 30 per cent reached a compromise with their legal services provider. This involved the legal services provider not agreeing to the complaint but going some way to try and resolve it. A further 32 per cent had their complaint rejected by the law firm.

6.2.7 People with a disability are much more likely to have their claim rejected (43 per cent compared with 26 per cent of those with no disability). It was seen earlier that people with a disability are more likely to have legal matters relating to accidents and less likely to have matters relating to conveyancing. It is possible that this could have an impact on rejection

rates but it is not obvious why this should be. Of more concern is that four in 10 of disabled people who had their complaint rejected cited that the initial complaint was made because the person dealing with the matter for the law firm had not treated them very well. The comparable figure for those people without a disability is two in ten. While some caution is advised due to the small base sizes, this data does point towards a difference in the level of service people feel they receive and this may be an area for further exploration.

6.3 Why don't premature complainants go back to their legal services provider?

6.3.1 Thirty three per cent of premature complainants do not make a complaint to their law firm. The key question for this section is 'why is this'?

6.3.2 Some of the barriers that caused respondents not to make a complaint to the law firm when problems first occurred are relevant at this stage too. Lack of confidence that the matter would be resolved, the perception that the complaint would not be taken seriously or that it would end up costing the respondent more are factors that are common at both stages. This demonstrates clearly that there is a lack of confidence in the complaints system that causes people to give up rather than take the complaint further. The survey shows that people do not believe that the complaints process will work objectively and to complain will disadvantage them.

6.3.3 There is also strong evidence of fatigue with the system among complainants. Eight per cent had referral fatigue, that is, they were tired of being passed to different people. A quarter said that they were too fed up to take the complaint further as illustrated by this quote:

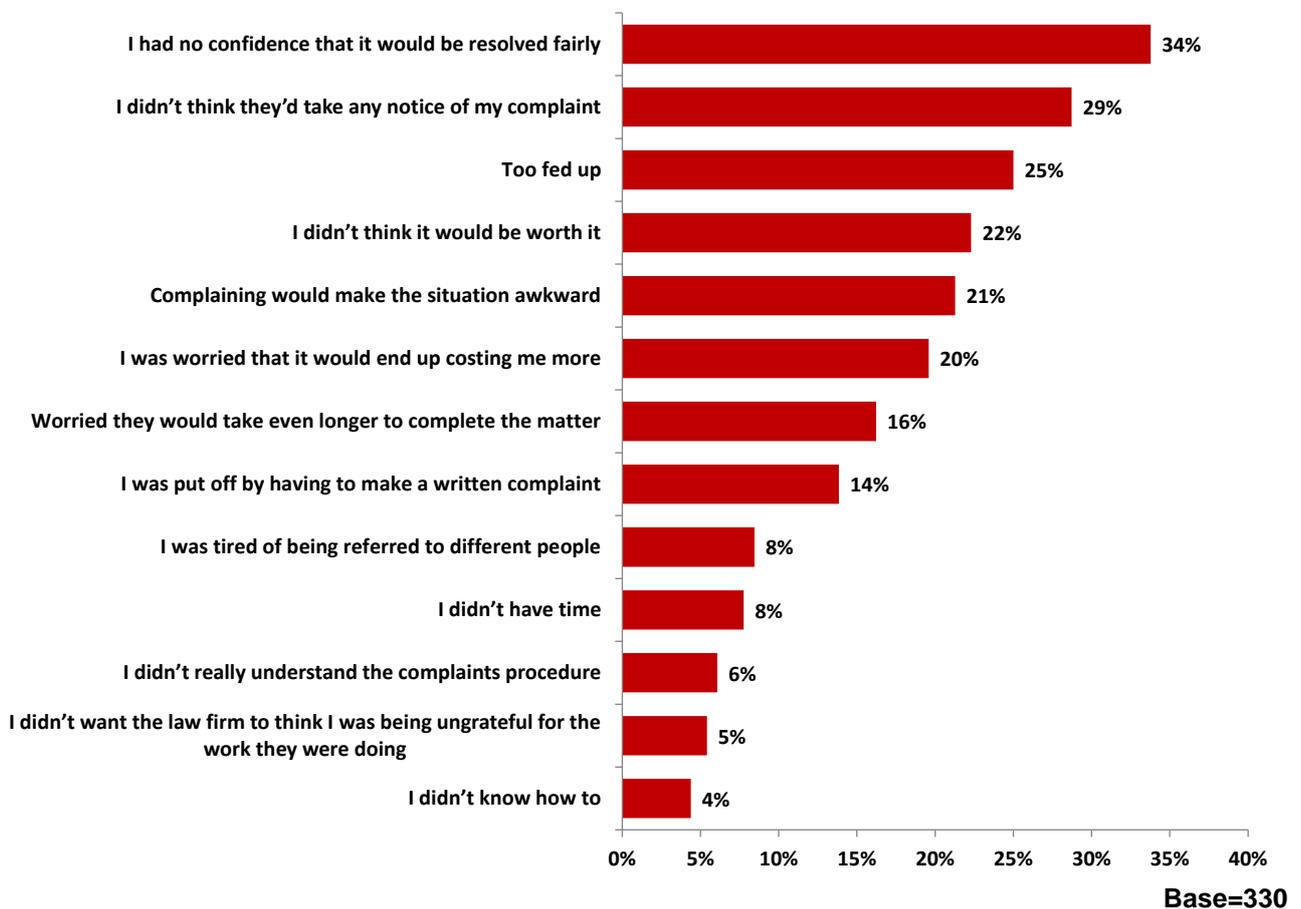
'I started to [write a complaints letter], and then I thought, 'No, what's the point? What's the point, if that's how they've been when they've been paid to do something, you know, how are they going to treat us when we're no longer clients? They'll just shut the doors on us and that will be it.' (Nick)

6.3.4 The formal method by which complaints have to be made can also be off-putting. Fourteen per cent of people who did not make a formal complaint said that they were put-off by the way in which the complaint is made. There is evidence that this is particularly prevalent among BME groups. Care has to be taken because the sample size is small but 15 of the

40 BME respondents (40 per cent) who did not complain to their law firm cited needing to submit a written complaint as a reason for this.

6.3.5 On the issue of having to make a written complaint, there is some confusion from consumers on the need to do this. The Legal Ombudsman does accept complaints that have been made verbally, and while a written complaint is the preferred method, if this can't be provided the Legal Ombudsman still would examine the circumstances of the complaint.

Figure 14: Reasons for not making a formal complaint to the law firm after being advised to do so (multiple response)



7 Going back to the Legal Ombudsman (second tier complaint)

7.1 Introduction

7.1.1 In this section analysis is undertaken on people who re-contact the Legal Ombudsman after they have made a formal complaint to the law firm. Within the complaints process this is known as making a second tier complaint. The section also analyses why people who are still unhappy with their legal services provider following a first tier complaint do not submit a second tier complaint.

7.2 Making a second tier complaint

7.2.1 The survey shows that 20 per cent of all premature complainants re-contact the Legal Ombudsman. One of the key factors that drives complainants to return to the Legal Ombudsman is dissatisfaction with the outcome of the complaint. Four in 10 complainants at this stage cited that the firm was not prepared to put the matter right (in their view). This view resonates strongly with one of the key reasons why complainants decide not to complain to their legal firm in the first place; the perception that nothing will be done about it and that the legal services provider would not agree that there was a case to answer.

7.2.2 One third of people went back to the Legal Ombudsman due to having their complaint rejected and 16 per cent were not happy with what the firm was offering to resolve the issue.

7.2.3 The qualitative interviews show that premature complainants who went back to the Legal Ombudsman after making a formal complaint had a clear idea on the next stage of the complaints procedure. They were aware that the Legal Ombudsman would now be in a position to take the case on as this had been communicated to them in their previous contact with the Ombudsman. They now re-contacted the Legal Ombudsman with the expectation that their case would be taken on.

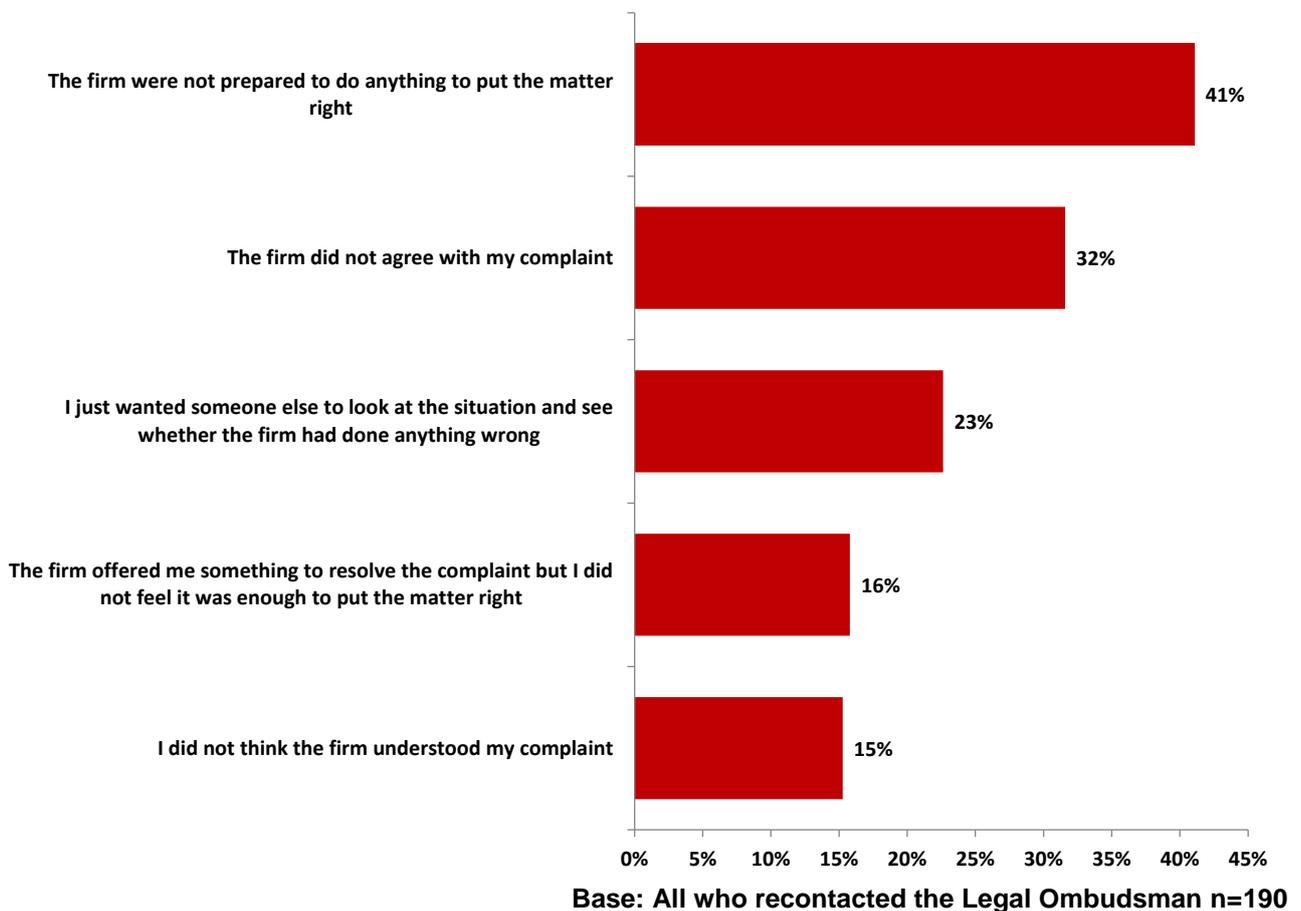
'I was quite happy knowing that I could go back and get the ombudsman involved again' (Thomas)

7.2.4 In cases where the interviewee was still waiting to hear back from the legal service after making a formal complaint, the complainant was aware that they would be able to go to the

Legal Ombudsman if the firm does not reply within a specified eight week time period. This provided reassurance for those with little faith in the legal service.

'I waited, of course the time elapsed, I'd had no response to them so I sent another email to the partner to say, 'Well, you're telling me this is your process but you're not sticking to it.' So, nothing again, and so I'm back to the Ombudsman. They were very helpful and they said, 'Well, you know, if you want us to we'll take it up on your behalf' (Andrew)

Figure 15 : Reasons for returning to the Legal Ombudsman (multiple response)



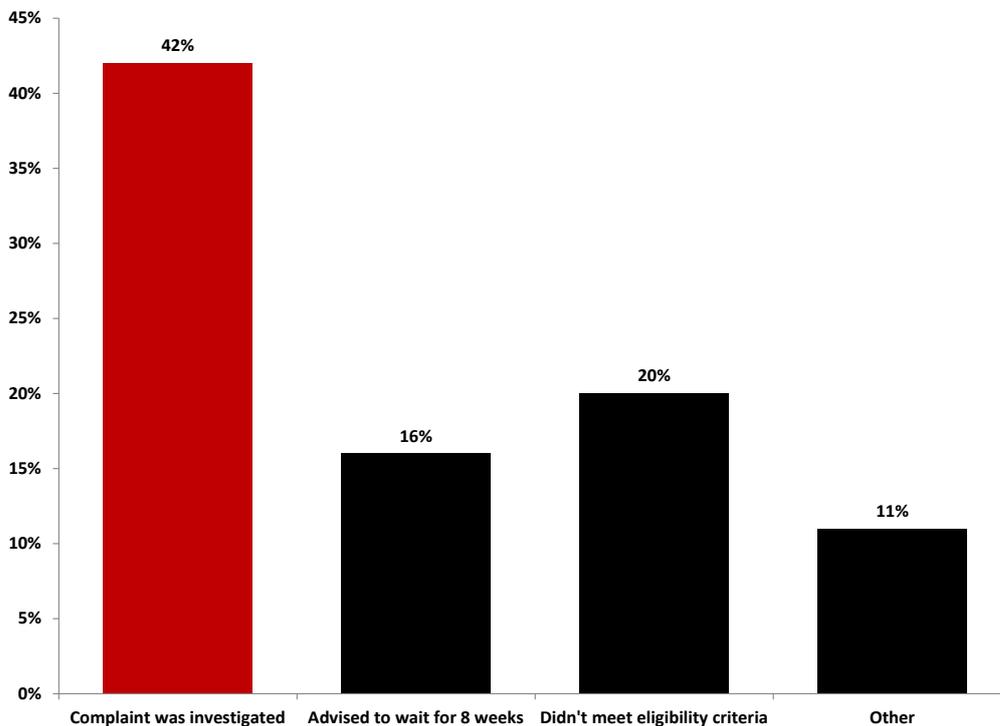
7.2.5 In the same way that people contact the Legal Ombudsman for advice on the complaints process before the first tier complaints stage, there is also evidence that complainants look to the Legal Ombudsman to validate that things have been done properly after the first tier

complaints stage. Just under one quarter of respondents wanted the Legal Ombudsman to double check that the firm had not done anything wrong.

7.2.6 It was seen earlier that a significant proportion of complaints are resolved through a compromise between the legal services provider and the complainant. The survey shows that sometimes a compromise cannot be reached. Just over one in six respondents who re-contact the Legal Ombudsman do so after having rejected what they consider to be an unsatisfactory offer. A similar proportion think that the firm did not understand their complaint.

7.2.7 Of those who re-contacted the Legal Ombudsman nothing had happened in about one third of cases because the complaint had only recently been made. If these respondents are excluded then just over 40 per cent of re-contacts are investigated by the Legal Ombudsman.

Figure 16 : What happens when people bring their case back to the Legal Ombudsman



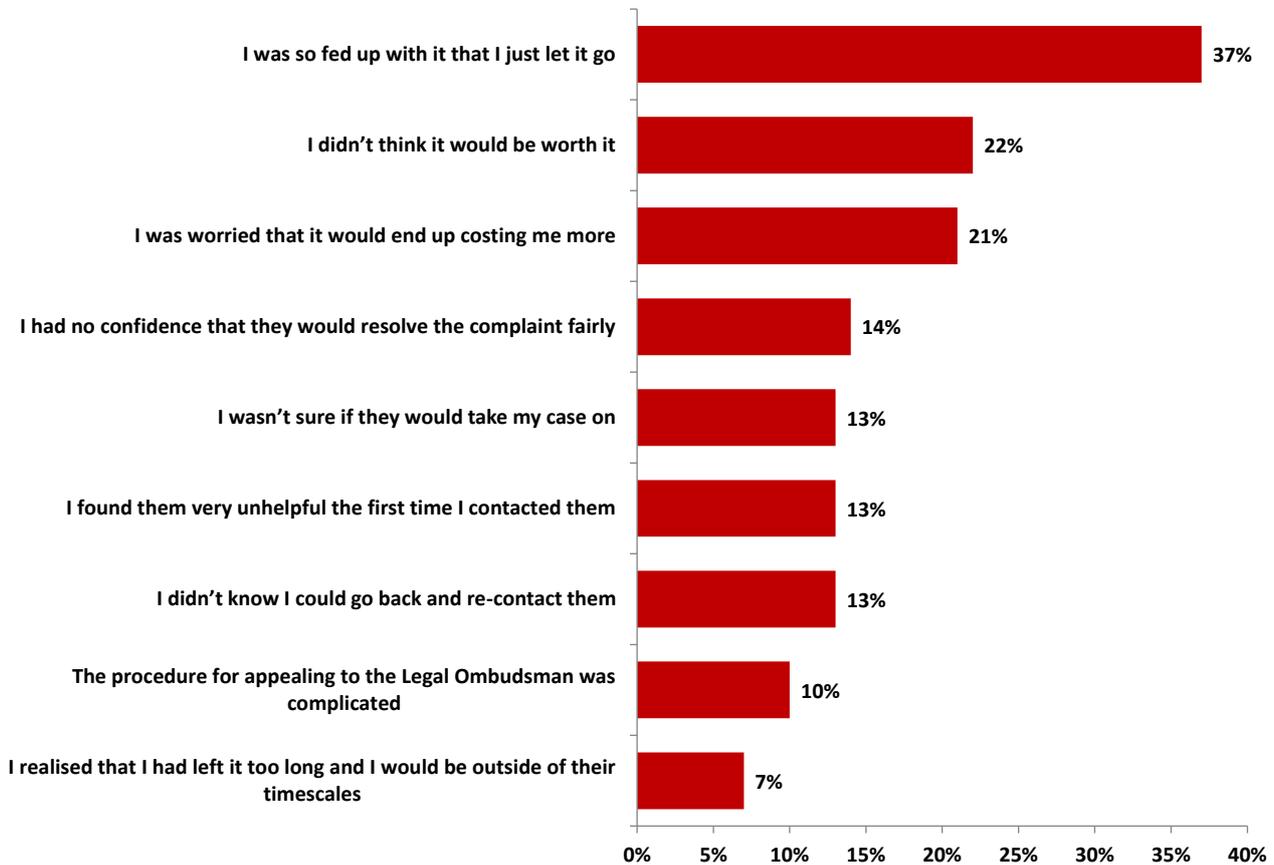
Base: All who recontacted the Legal Ombudsman n=190

- 7.2.8 The survey also shows that a significant proportion of cases on re-contact are not investigated either because too much time has passed since the initial complaint so it has become ineligible or not enough time has been given for the legal services provider to respond to the complaint. Both findings suggest the same root cause: lack of understanding of the eligibility criteria by which the Legal Ombudsman operates.
- 7.2.9 It was seen that two thirds of people that go back to their law firm to complain do not re-contact the Legal Ombudsman. However, this does not mean that the case has been resolved to their satisfaction. Of all those who complained to their law firm only 28 per cent cited the resolution of their case as a reason for not re-contacting the Legal Ombudsman.

7.3 Why did people whose case was not resolved decide not to re-contact the Legal Ombudsman?

- 7.3.1 It is estimated from the survey that 32 per cent of people who make a premature complaint do not re-contact the Legal Ombudsman even though the matter has not been resolved to their satisfaction through their legal services provider. It should be stated that for some of these people the complaint will be ongoing and there is a possibility that they will re-contact the Legal Ombudsman at a later date.
- 7.3.2 The reasons that this group do not contact the Legal Ombudsman are focused upon disenchantment with the experience to date. Well over one third felt so fed up that they gave up and one in five did not think it was worth it. Worries about costs were also significant in the decision not to take the unresolved complaint further.
- 7.3.3 The top reasons why people do not take things further with the Legal Ombudsman are different to the reasons given by complainants who do not go back to the law firm to make a complaint. For these people the barriers to complaining centre on the belief that it will not be taken seriously or that nothing will happen.

Figure 17 : Reasons for not re-contacting the Legal Ombudsman (multiple response)



Base: All those who did not recontact the Legal Ombudsman n=449

7.3.4 For some people there is an issue of the accessibility of the system. One in 10 people who reach this stage were put off by what they perceived to be a complicated system for appealing to the Legal Ombudsman and a similar proportion do not think they could go back to the Legal Ombudsman. This underscores the points made earlier about the need for greater clarity on the role of the Legal Ombudsman and the eligibility criteria governing access.

7.3.5 Sometimes the scale of the issue that people face can leave them feeling resigned to the perception that the Legal Ombudsman is not able to help as the case study for ‘Russell’ shows.



8 Rating of overall experience of complaint handling

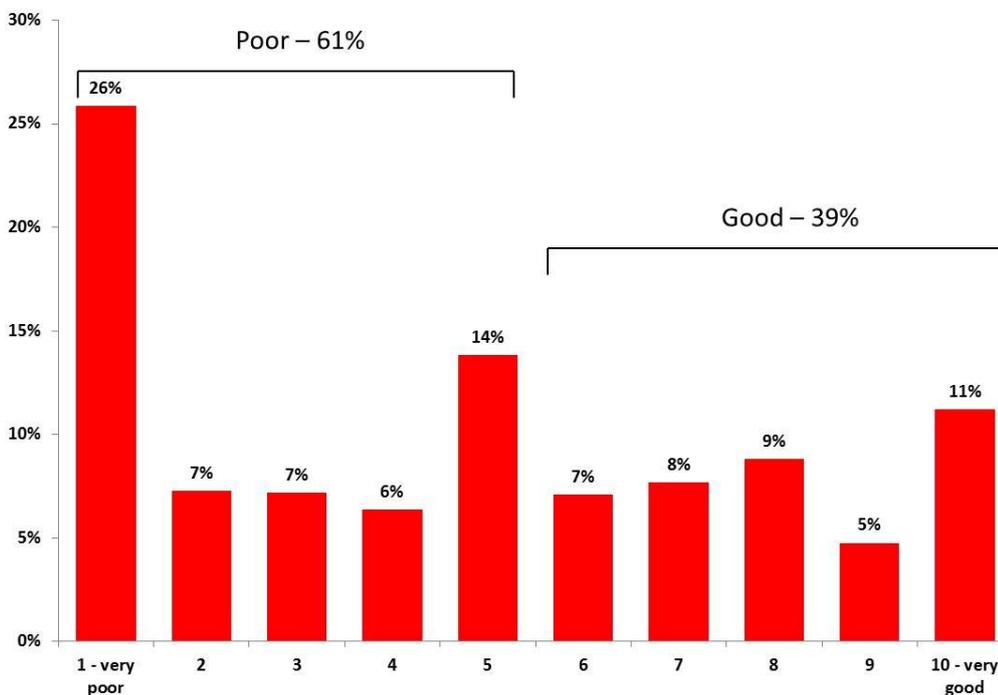
8.1 Overall experience

8.1.1 The majority of people felt that overall they had a poor experience in relation to the overall complaints journey. As the figure shows, 61 per cent of people felt their experience was poor, with a quarter (26 per cent) feeling the experience was very poor. These figures are an expression of people’s feeling towards the complaints process as a whole, and are a reflection of the bad experience they had with a legal firm as well as the process through the Legal Ombudsman.

8.1.2 Males and those people with a long-standing illness, disability or impairment were significantly more likely to feel that their experience was very poor, with 29% of males reporting this and 34 per cent of those with a long-standing illness, disability or impairment.

8.1.3 The remaining 39 per cent felt their experience was good with, one in ten reporting that it was in fact a very good experience.

Figure 18: Rating of overall experience of having your complaint dealt with



Base: n=990

8.2 How can the Legal Ombudsman improve

8.2.1 Respondents were asked what advice they would give to the Legal Ombudsman to improve the service that they deliver. A wide range of open-ended qualitative responses were received and while a number of respondents commented that the service they received was 'excellent or 'very good' a number of key areas existed for service improvement.

8.2.2 Many respondents referred to the need for the Legal Ombudsman to be more proactive and undertake a more detailed investigation of the individual case before giving advice. While there was some confusion with the process that people are expected to undertake, there was the feeling that the Legal Ombudsman should provide a more detailed assessment of the individual case, rather than just advising people to complain to the law firm. An example of these comments was:

"Be more ready to investigate instead of just telling me to make a complaint to the law firm!"

8.2.3 A number of other comments related to the difficulty people have in understanding the legal system and dealing directly with legal firms, who use technical language. People want the Legal Ombudsman to provide in clear and simple language on the procedures to which the legal firm should adhere to. Overall many people wanted the Legal Ombudsman to simplify the process and make it much easier for them to understand:

"Make the process simpler, have people available on phone to talk through issues, have someone get back to you to check on your progress as it's hard to keep going when you feel you are questioning a firm who use the law to protect themselves..."

8.2.4 Another group of comments related to the need for the Legal Ombudsman to improve the clarity on how the Legal Ombudsman can help and provide more practical solutions to specific cases rather than generic responses.

"They could be clearer about what they could potentially do to help i.e be more specific about what is on offer and whether they felt that I did have a case rather than saying 'if you feel that you have received poor service then you can complain'."

8.2.5 There was a feeling for some that the Legal Ombudsman needed to 'listen more' and be less impartial to act stronger on the consumers side as people felt isolated in dealing with the legal system:

“Listen to those complaining and take it seriously”

8.2.6 There was also a feeling that the Legal Ombudsman could be better at communicating with the legal firms in question to advise them that an issue had arisen and that it had been escalated to the Legal Ombudsman. There was the feeling that this action would encourage a more effective and speedier response from law firms:

“At least send an automatic correspondence (e.g. set email letter) to the firm saying there was a complaint on xxx case - please resolve it or further action will be taken. That's the least the ombudsman could do.”

8.2.7 Within the qualitative interviews the (perceived) lack of leverage with legal services providers was a key cause for concern amongst some interviewees.

‘The important factor is that if you have a complaint against a legal services provider, when you get the Legal Ombudsman involved the legal services provider actually takes notice, starts to think, ‘Ah.’ They don't want their reputation tarnished.’ (Kirsten)

8.2.8 This holds true for the initial stage when a complaint has been submitted but also when complainants go back to the Legal Ombudsman a second time. One of the respondents whose complaint is still on-going expressed a similar concern around the limited power to hold legal services providers to account, now an investigator has taken on his case:

‘He [the investigator] said: I'll talk to the legal services provider and review their information, I'll review your information, then I'll come back with a decision, which you know, in some ways doesn't fill you with too much confidence, knowing that they have limited powers. [...] I'm concerned that the ombudsman's office may come to that conclusion [that the legal services provider has been negligent] but does not have powers to do anything, so I'm losing £4500.’ (Andrew)

8.2.9 One solution to this problem that was proposed by several of the interviewees is to set up a system where all complaints against legal services providers are logged. This information would then have to be accessible to consumers when deciding on a legal service provider.

As this would put the legal firm's reputation at risk this would then ensure that legal services provider will take more notice when the Legal Ombudsman gets involved.

'I don't know whether this has to be reported in final accounts for the year with the law society or what, but if they have a case, in this case two cases, against them that are proven then surely that's not a good thing for them as a practice. I think that just makes-, if there were more perhaps complaints against legal services providers through this system perhaps they might just take a little bit more notice of it.' (Kirsten)

8.2.10 While such a system would put more pressure on legal services providers to safeguard their reputation, the lack of immediate repercussions when failing to deal with a complaint satisfactorily is seen by some to be the bigger issue at stake. One of the interviewees who works as a financial auditor pointed out that the threat of repercussion from the FSA in the financial services sector ensures that complaints are dealt with promptly and adequately:

'I work in the financial services sector as an auditor, and if I say to one of my clients, 'I'm going to report things to the FSA', you know, you'll find things are resolved in a day or so. Nobody wants that because the powers the FSA have to either imprison people or fine them millions of pounds, or both, where on this side the legal services provider just totally ignored everything. When I said 'I'm going to report you to the ombudsman's office.' it was, 'So what? That's the big difference I've noticed.' (Andrew)

8.2.11 He also pointed out that this is a recent development in the financial services sector and that it is something that can effectively be introduced permitted the repercussions are serious enough for the legal services provider to take note of them.

'Years ago the financial services were the same as the legal service. Nobody bothered about anything, but now it's the threat of the regulator. If you have a complaint with a client you can write to the chief exec of the company and guarantee a response in 48 hours.' (Andrew)

8.2.12 Another learning from both the financial services sector as well as local government, that ties in with in this, is that the information on how to make a complaint should be readily available and explained in clear, detailed steps (using common language). Most respondents felt this information should be available on the legal services provider's website and ought to be communicated to customers when they first start engaging with a legal services provider. The Legal Ombudsman could also play a more active role within the early stages of the complaints process, much like the FSA does, to ensure both parties

are fulfilling their obligations and then ensure the issue is dealt with in a timely manner. Although, it should be recognised that currently, the FSA as a regulator, has a different role, remit and powers to that of the Legal Ombudsman.

‘It should be the legal services provider that engages the Ombudsman’s office, so rather than me having to find the ombudsman’s office and the way to complain, I think they should automatically log it with the ombudsman’s office that, you know, ‘We’ve had a complaint from a client.’ (Thomas)

9 Conclusion

- 9.1.1 This report has analysed the motivations and reasons behind why people make a premature complaint and what stops them pursuing their complaint to the law firm or the Legal Ombudsman.
- 9.1.2 The research has shown that there is a lack of awareness of how the complaints process works. The distinction between what is a first-tier complaint and what is a second-tier is not one that complainants generally make. People find the overall process confusing and often intimidating and there is a perception that the process is either stacked against them or that the law firm will do nothing about it.
- 9.1.3 There is a perceived inaccessibility surrounding the legal service market when things start to go wrong. The system needs transparency and greater accessibility and to adopt more widely some of the good practice lessons highlighted by the research. Inherent within the complaints system is a lack of confidence that the complaints process with a legal services provider will work objectively and a feeling that to complain with disadvantage the consumer. This is a reality that needs to change.
- 9.1.4 The main reason for contacting the Legal Ombudsman prematurely, maybe unsurprisingly, is that this is what people think they need to do to get the complaint resolved. This in itself clearly shows the confusion around what is the correct process for dissatisfied consumers to follow. There is also the need to bring clarity to the messages people receive from the Legal Ombudsman, as the next most cited reason (for contacting the Legal Ombudsman prematurely) is that people read on the Legal Ombudsman website that the Legal Ombudsman resolves complaints against legal services providers.
- 9.1.5 Although, within this scenario, when contacted (albeit prematurely) the Legal Ombudsman is seen as a respected source for impartial advice and guidance. People are appreciative of the value of contacting the Legal Ombudsman prematurely, in that this provided them with valuable information about the complaints process and helped them complain directly to their legal services provider.

- 9.1.6 There is however a conflict which arises through the perception that the Legal Ombudsman is seen as an 'honest broker' who potentially can bring sense and resolution to the process. Due to this, expectations are that the Legal Ombudsman will 'do something' about the individual's case. Often from the consumers' point of view 'doing something' is interpreted as dealing with the complaint or for the Legal Ombudsman to take the case on from the law firm, this can then cause a mismatch between consumers' expectations of what the Legal Ombudsman should do and the service they receive.
- 9.1.7 Making a complaint is often a stressful and long process, which many see to be more like a battle than a transparent system. Contacting the Legal Ombudsman prematurely is the start of the journey and after further pursuing their complaint with their legal services provider (unsatisfactorily), a third of people do not return to contact the Legal Ombudsman. Why is this? A sense of fatigue and disenchantment with their experience to date. Not all complaints can be dealt to the customers' satisfaction but it appears that for some the whole process can be made customer friendly and orientated.
- 9.1.8 The Legal Ombudsman can play a critical role in ensuring that this happens and that consumers receive clearer and simpler advice and guidance to help them navigate, what is still currently often a confusing system.