

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

Published: December 2017

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[<https://consultations.sra.org.uk/globalassets/documents/sra/research/first-tier-complaints.pdf>]

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Summary

We and the Legal Ombudsman jointly commissioned London Economics and YouGov to conduct independent research into the experience of people making complaints about solicitors' legal services. The work involved online surveys completed by 539 firms and 2,016 dissatisfied users of legal services, and in-depth interviews with 15 firms, eight users of legal services and four stakeholders.

Why we commissioned the survey

Solicitors have a duty to provide a good standard of service, as we set out in our mandatory Principles. Complaints can be an important indicator of service quality and we ask firms to report annually to us on the numbers of complaints they receive from their clients.

We wanted to explore people's experience of making a complaint to a law firm and how complaints can improve service standards. Although we know that 80% of people who use legal services are satisfied with the service they receive¹, existing research suggests that complaints handling and consumer redress in the legal services market could function more effectively for those that are dissatisfied. For example, other research found that 40% of consumers were dissatisfied with their experience of complaining to their solicitor and many said that the firm had been defensive or dismissive of their complaint². And the Legal Ombudsman found that 54% of firms do not signpost to them at the end of the first tier complaint process.

What we learned

Overall, the research found that good complaint handling can help to improve service standards and that many firms could better manage people's expectations by providing clear and timely information.

Providing a good service

There is some disparity between people's expectations and solicitors' perceptions of the key expectations of a good service. The users of legal services want:

- regular communication about progress (62%)
- clear information about costs (60%)
- information about the legal process (48%).

But only 23% of firms think that consumers' key expectations include a clear explanation of the legal process.

Both legal services users and firms report that most complaints are about delays or failures in communication, which relate to consumers' key expectations. Complaints are most frequently about work in conveyancing, family law and wills and probate, which reflect the most commonly used legal services.

Communicating the complaints process

98% of firms provide information about their complaints procedure at the start of the process, usually in the client care letter. But 37% of service users say they were not told about the complaints procedure. This indicates that many consumers do not always recall the information, so the way information is presented could be clearer. And people whose day-to-day activities are limited by disabilities are less likely to understand the complaints procedure or know how to complain.

Not all firms are meeting their regulatory and legal requirements at the end of the complaints process, as only 34% of firms provide information about the Legal Ombudsman at the end of the complaint process. And 51% of firms do not signpost people to Alternative Dispute Resolution agencies to resolve complaints, despite this being a requirement under Directive 2013/11/EU of the European Parliament.

Handling and resolving complaints

The most common barriers to making a complaint relate to people having the confidence and information to make a complaint. There are also concerns about whether the solicitor will handle the complaint fairly or take notice.

Firms differ in recording expressions of dissatisfaction as a complaint, particularly when the complaint is made verbally. For example, 48% of firms received verbal expressions of dissatisfaction, but did not record them as complaints.

Almost all firms provide a final response to complaints within 8 weeks, but 20% of consumers report that their solicitor's firm took more than 8 weeks. This may be because of different perceptions about when a complaint is made, particularly for verbal complaints. Small firms tend to respond quicker than large firms.

83% of people want firms to take action, or resolve, their complaint when they express their dissatisfaction. Most commonly, people want an explanation (58%), an apology (39%) or work progressed (35%) to resolve their complaint. Only 23% of users whose day-to-day activities are limited by disabilities were satisfied that their complaint had been resolved, compared with 43% of service users with no limitation due to a disability. 56% of people not satisfied with the outcome took their complaint further – usually to the Legal Ombudsman, the SRA or the courts.

Learning from complaints

93% of firms say there are business benefits to complaints handling. The most frequently reported benefits are:

- improving service delivery
- understanding consumer expectations
- providing a chance to improve consumer retention.

91% of the users of legal services say that having access to firms' complaints data would be helpful to them. 36% of firms also believe publishing complaints data will demonstrate that they deliver a good service. Around a third of consumers and firms said they would also want to know the firm's size and the type of work they do with any published complaints data.

What we will do with these findings

The research has identified examples of good practice, such as:

- some firms acknowledge informal expressions of dissatisfaction as complaints, which helps to stop them from escalating into formal complaints
- some firms are aware they need to communicate clearly and the relationship this has with complaints, such as helping to manage expectations, increase client satisfaction and therefore reduce complaints
- some firms constructively involve the fee-earners in the complaints process, so that they can learn how to improve their service to avoid future complaints.

It also found areas for improvement, such as communicating information about the service and complaints process to consumers, supporting people with disabilities, and responding to and recording verbal complaints. We are particularly concerned that many firms are not meeting

their regulatory obligation to tell consumers about the Legal Ombudsman at the end of the complaints process.

The report recommends actions for firms and for us and/or the Legal Ombudsman. We will work with the Legal Ombudsman to address these recommendations. The research supports findings in the Competition and Markets Authority (CMA) report into the legal services market, about the lack of transparency about price, service and quality.

Our regulatory response sets out how we are responding to the findings of this research.

Regulatory response to the findings of the 'Research into the experiences and effectiveness of solicitors' first tier complaints handling processes' report

We and the [Legal Ombudsman](http://www.legalombudsman.org.uk/) jointly commissioned independent research by London Economics and YouGov into the experiences of people making complaints about solicitors' legal services.

Previous research points to a number of areas where complaints handling and consumer redress in the legal services market could function more effectively for dissatisfied users of legal services.

Overall findings and issues of regulatory concern

The report identified examples of good practice. For example, some firms were aware of the need for good communication and how they could manage expectations, increase client satisfaction and therefore reduce complaints. Most firms saw the business benefits of good complaint handling. And over a third of firms think that publishing complaints data would help to show they deliver a good standard of service, in line with most consumers who think that having access to the data would be helpful.

However, the research uncovered a number of areas for improvement. A particular concern is that many firms do not tell people about the Legal Ombudsman at the end of the complaints process. Clearly this makes it difficult for the public to take further action if they remain dissatisfied at the end of the first tier complaint process.

The majority of firms appear to be handling complaints in line with the standards we expect. However, there are some concerns:

- Only 23% of firms think that one of consumers' key expectations is a clear explanation of the legal process.
- 37% of consumers say they were not told about the complaints procedure, although 98% of firms provide information about their complaints procedure at the start of the process, usually in the client care letter.
- People 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.
- 23% of 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.
- 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.
- Only 34% of firms provide information about the Legal Ombudsman at the end of the complaint process, despite this being a regulatory requirement. And only 4% of consumers recall receiving this information at the end of the complaint process.
- 51% of surveyed firms say they do not signpost consumers to Alternative Dispute Resolution agencies to resolve complaints, despite this being a requirement under Directive 2013/11/EU of the European Parliament.

What we are doing

The report recommends actions for firms and for us and/or the Legal Ombudsman. We will work with the Legal Ombudsman to address these recommendations. The research demonstrates the importance of our current consultation about '[Better information, more choice](https://consultations.sra.org.uk/sra/consultations/consultation-listing/ltf-better-information-consultation/)' (<https://consultations.sra.org.uk/sra/consultations/consultation-listing/ltf-better-information-consultation/>), as it shows that people would find complaints data useful and that people want better information about costs, the legal process and complaints processes. The research also supports a number of the findings from the [Competition and Markets Authority \(CMA\)](#) ^[#n3] 2016 report into the legal services market, notably:

- "consumers generally lack the experience and information they need to find their way round the legal services sector"
- "consumers find it hard to make informed choices because there is very little transparency about price, service and quality"
- "increasing transparency of price, service and quality is therefore essential for consumers to get a better deal".

We are responding to the findings of this research, and the CMA report, through our work, which includes the following activities:

- We are working on increasing the availability of data to people looking for or using legal services, as we want to help people make informed choices about the legal services they need. This includes the possibility of publishing complaints data as an indicator of service quality. If this is implemented, we will support firms by sharing best practice examples from this research.
- We are carrying out research on publishing complaints data and what context people would find useful.
- We are working with the other legal regulators to develop the jointly run [Legal Choices website](http://www.legalchoices.org.uk/) (<http://www.legalchoices.org.uk/>), which provides accessible information on legal services for the public.
- We will use a range of communication channels to remind firms of their obligations to let people know how to complain, to seek redress and access the Legal Ombudsman.
- We are working with the Legal Ombudsman to produce joint information for the public on how to raise concerns about legal services.
- We will further explore the issues that people with disabilities face when making a complaint to their solicitor.

First tier complaints

Research into the experiences of people making complaints about legal services

FIRST TIER COMPLAINTS

Research into the experiences of people making complaints about legal services

Included in the study were

539



Firms

2,016



Dissatisfied people

Good service

People said good service means receiving clear information about



60%

Costs



62%

Progress



48%

Legal process

Most common complaints



55%

Failure to keep updated



47%

Delays in service



Notes

1. Tracker Survey Legal Services Consumer Panel, 2017
2. First-tier Complaints Handling, YouGov, 2011
3. Competition and Markets Authority, [Legal services market study](https://assets.publishing.service.gov.uk/media/5887374d40f0b6593700001a/legal-services-market-study-final-report.pdf) [https://assets.publishing.service.gov.uk/media/5887374d40f0b6593700001a/legal-services-market-study-final-report.pdf], 2016

Services most complained about



Family law



Conveyancing



Wills and probate

Communication

All firms are required to provide information about their complaints procedure

However

37%

of people do not remember receiving such information

Also



people with disabilities are less likely to know how to complain

Resolving complaints

93% of firms said complaints have a business benefit

People want complaints resolved by



39%

Apology



35%

Work progressed



58%

Explanation



43%

of people with no disability

23%

of people with some disability

were satisfied with the outcome

56%

of all people

took their complaint further

Good practice



Give clear and timely complaints information



Acknowledge all expressions of dissatisfaction



Explain why work may not be going as planned



Tailor information to people's needs