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# First-tier Complaints Handling

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Legal Services Board

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## 1 Foreword by the LSB

A perception of poor complaints handling by the legal profession was one of the primary drivers for the Legal Services Act 2007. The previous system was seen as complex, difficult for consumers to navigate and slow to reach resolution.

One very significant step to addressing these issues was the creation of the Legal Ombudsman, the independent and impartial redress body for all consumer legal service complaints that are not resolved by the firm or practitioner concerned. The Ombudsman opened for business in October 2010 and has made a strong start, not just in resolving individual complaints, but in communicating lessons from its work to the profession.

But regulatory oversight of first-tier complaints handling by the Legal Services Board (LSB) is just as significant an innovation. It's the job of the LSB to make sure that Approved Regulators have the frameworks in place to enable their regulated community to get complaints "right first time." When they don't, it spells bad news for many consumers who get simply fed up and are consequently denied fair redress – and bad news for the profession as a whole which faces higher costs and a poorer reputation as a result. Nobody wants to see the Legal Ombudsman's processes filled with complaints which could – and should – have been resolved long before they reach his desk.

This report sets a benchmark for future progress. It summarises what we believe is the largest survey of users of legal services who were dissatisfied at some point in the process, setting out clearly today's consumer attitudes to and experiences with complaints handling. It provides important insight into experience with complaints about legal services, in particular the differences between dissatisfied consumers who made complaints and those who did not.

The results support the work that the LSB and Approved Regulators have been undertaking to ensure that consumers are given timely information about the availability of complaints procedures and receive certain outcomes from the complaints process. It confirms concerns that too few consumers receive information about their rights of complaint which leaves many unaware how to resolve issues if they are dissatisfied with the service. Conversely when

consumers received complaints information most thought it was easy to understand and gave clear instructions on what to do. So there is both a regulatory breach – and a missed opportunity for good consumer service.

A particular concern is the number of clients who reported that they have been charged for their complaints. The LSB regards this as totally unacceptable, and expects Approved Regulators to take firm action in all cases where it is proven.

It is also clear that the majority of dissatisfied clients do not complain about their initial issue with the legal service. And too many of those who do complain, throw in the towel when they remain dissatisfied with the outcome of the in-house complaints procedure. Other reasons identified for consumers giving up include those linked to perceptions of legal service providers – born out of unnecessary complexity, use of legal language and poor treatment.

That is not a happy situation in a world where we are all committed to building confidence in the justice system. Failure to signpost complaint procedures and to handle complaints properly when they do arise not only undermines access to, and confidence in, justice; it also represents an undeniable loss for individual providers, the legal services industry and the public. When dissatisfied clients do not complain, this rich feedback loop on quality of service, encoded in complaints, is not recorded and is not treated, firstly to resolve the individual dispute and, secondly, to raise professional standards and confidence in the profession overall. Whatever the reason for dissatisfied clients not pursuing complaints, it is clear that this status quo is not acceptable.

Overall this report demonstrates the value of consumer research in measuring outcomes and understanding the impact of the reforms that the Approved Regulators are introducing and how legal businesses can improve their clients' satisfaction. However, its prime value is in the diagnosis of where further work is needed to improve consumers' experience with complaints handling. We therefore encourage Approved Regulators to build on this study, both with their own consumer research to monitor changes over time and, even more importantly, through appropriate communication, supervision and, where necessary, enforcement action in their own parts of the legal sector.



We hope others will find the report equally illuminating and use it as the spur to play their part in action to improve standards.

**Chris Kenny**  
Chief Executive  
Legal Services Board



## 2 Executive Summary

- 2.1.1 This report was commissioned in order to investigate the complaints handling process within the legal services domain and to understand causes for dissatisfaction and treatment of consumers.
- 2.1.2 Complaints handling is a specific area of focus for the LSB and as a result YouGov was commissioned to undertake research among individuals who have used a legal service in the last three years and who have been dissatisfied with the service provided. Details of the research method and sample can be found in the Introduction (Section 3).
- 2.1.3 The report looks at the behaviour of users of legal services who were dissatisfied with the service they received. In particular, those who did not complain to the first-tier (i.e., complaints to the service provider or in-house complaints), those who did complain to the first-tier, those who did not complain to the second-tier (i.e. complaints to the Legal Ombudsman service post October 2010 or to an Approved Regulators prior to October 2010 ) and those who did.
- 2.1.4 The overarching message from this report is that there is a clear gap between what is expected to happen under the regulatory framework and what is actually happening. While signposting expectations have only been set as regulatory requirements since October 2010, it seems legal services have a long way to go before the treatment of dissatisfied clients is on par with regulatory requirements.

### 2.2 Who, What, How?

- 2.2.1 The area of law used most by respondents was Conveyancing (23%) followed by probate (10%) and family matters (10%).
- 2.2.2 For just over a quarter of respondents, their initial response was to make a formal complaint to their service provider (27%) and a third raised their concerns with the service provider but did not actually make a formal complaint (33%).
- 2.2.3 Of those respondents who complained to someone else or the Citizens Advice Bureau, 52 per cent were told to go back and complain to the service provide. Of these respondents 82 per cent went back and made a complaint and 15 per cent did not.

Therefore in total 33 per cent of respondents made a formal complaint to their service provider.

- 2.2.4 Respondents tended to fund the legal service used either themselves or through the help of friends and family (57%). A small percentage funded the service through a free service – some a no win no fee arrangement (6%) others a free service but not a no win no fee arrangement (8%). Using a trade union was less common as a method of funding (3%) as was the use of employers (3%).

## 2.3 A service overview

- 2.3.1 Past experience seems to count for something when choosing a legal service provider, with referral from another organisation and previous use by family member ranking top of the list when choosing a provider. One in five white respondents (19%) used a service provider they/ family or a friend had used before compared with 11 per cent of non-white respondents. It is therefore not surprising that non-white respondents were more likely to use sources such as the yellow pages (11% compared with 3%).
- 2.3.2 Some respondents choose local based providers with seven per cent choosing a provider as a result of seeing their local offices – those with family matters seemed more likely to take advantage of this.
- 2.3.3 Solicitor organisations provided the service for the majority of respondents (72%) followed by other groups (e.g. banks, trade unions) (9%), Licensed conveyancers (4%) and barristers (3%). White respondents were more likely to use a solicitor. Use of solicitors was lower among non-white groups as they were more likely to use a barrister, trademark attorney and patent attorney.

## 2.4 In-house complaints procedure

- 2.4.1 At engagement one in five were not told anything about costs, the complaints procedure, timescales and so on and approximately one in ten (13%) were told about the in-house complaints procedure and eight per cent about the second-tier complaints process.
- 2.4.2 Those who weren't told initially were asked at what point they were informed of the in-house complaints procedure and two thirds of these respondents said they were never told about an in-house complaints procedure. The qualitative research found that



respondents who were never told about the in-house complaints procedure either checked the firm's website for this information or wrote a letter, which in most cases was to the senior partner.

- 2.4.3 Of those who were not told at engagement, white respondents were significantly more likely than non-white respondents to have no recollection of ever being told about the in-house complaints procedure (69% compared with 38%).
- 2.4.4 Figures for pre and post October 2010 are the same with no indication that the signposting requirement<sup>1</sup> has taken effect within legal firms. However at present it is too early to tell whether this will remain the case – 13 per cent of respondents who engaged pre October 2010 recalled being told about the in-house complaints procedure at engagement and seven per cent about a legal ombudsman. Post October 2010 these figure have remained the same with 14 per cent being informed of the in-house complaints procedures and eight per cent about the Legal Ombudsman.
- 2.4.5 Of those who did receive information from their service provider, the majority said it provided clear instructions on what to do (52%) and who to complain to (65%). What is interesting is that slightly less found the procedure easy to understand (47%) - the use of 'legal' language was a re-occurring theme throughout the interviews and was considered as a 'hindrance' to the whole process.

## 2.5 Dissatisfaction – Causes and response

- 2.5.1 The main cause of dissatisfaction stemmed from delays to the amount of time the matter took (43%) followed by poor quality of service (42%). Delays were far more prevalent among white respondents than non-white respondents with 44 per cent stating this compared with 32 per cent. Respondents without a disability were also more likely to state this as a cause of dissatisfaction than those with a disability (46% compared with 40%).

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<sup>1</sup> Section 112(2) of the Legal Services Act 2007 also confers discretion on the LSB to specify requirements that approved regulators must include in their regulatory arrangements in relation to the complaints procedures of Authorised Persons. Authorised persons are required to make it clear to consumers that they have a right to complain, how to, to whom and when, including the right to complain to the Legal Ombudsman. This signposting requirement was established by the LSB in May 2010 and implemented by approved regulators in October 2010.

- 2.5.2 The qualitative research found that lack of clear timescales made respondents feel 'left in the dark' with regards to how long something should take, when they could expect certain things to be completed and when an outcome would be achieved.
- 2.5.3 For just over a third, dissatisfaction arose as a result of perceived incompetence with legal firms making mistakes. As the qualitative research found this ranged from incorrect spelling of names to putting completely wrong names and addresses on legal documents.
- 2.5.4 The notion of a 'meter running' was also a contributor to respondents dissatisfaction as any communication made by respondents with their legal firm would have to be financially accounted for.
- 2.5.5 The initial response for most was to raise their concerns with the service provider but not actually make a formal complaint (33%). Others sought advice from different sources – eight per cent from a third party, four per cent from the Citizens Advice Bureau and three per cent complained to someone else.
- 2.5.6 While 27 per cent of respondents initial action was to make a formal complaint, just under a quarter (22%) didn't do anything. When respondents who did not do anything were asked why, many felt it wasn't worth it (34%) and others were so fed up with the whole process that they just let it go (34%). For a quarter (24%) cost was a barrier in not taking the complaint forward, as they thought it would end up costing them more and for 12 per cent it was about not having enough time.
- 2.5.7 For 18 per cent of respondents the matter was resolved without having to complain.

## **2.6 How were the complaints handled?**

- 2.6.1 Many respondents who made a first-tier complaint (40%) felt that their complaints were dealt with promptly and with clear timescales. This satisfaction was more prevalent among those who complained post October 2010 than pre October 2010 (51% compared with 36%) which provides some support to the proposition things are improving.

- 2.6.2 Those who complained post October 2010 seemed to be more satisfied with the staff handling their matter, the clarity and simplicity of the procedures and overall the ease of understanding the in-house complaints procedure.
- 2.6.3 While a substantial number of dissatisfied respondents made a first-tier complaint, far fewer progressed to second-tier (28% of complaints who were dissatisfied with the outcome of their complaint). This was a result of a few factors including not having confidence or because they were fed up with the whole situation.

## 2.7 What were the outcomes?

- 2.7.1 The majority (90%) of respondents' had their complaints acknowledged.
- 2.7.2 Among those respondents who made a first-tier complaint, two thirds had their complaint upheld either fully (31%) or partially (30%). 21 per cent had their complaint rejected and 14 per cent of first-tier complainants heard nothing back.

## 2.8 Key findings across types of consumers

- 2.8.1 Conveyancing was more commonly used by type 3 respondents than it was among type 4 and type 6 respondents.
- 2.8.2 Means of payment for legal service use varied among the types of consumers - type 3 and type 5 mostly paid for the service themselves with 68 per cent of type 3 and 60 per cent of type 5 respondents stating this. Among type 6 respondents (i.e. those who have made a first-tier and second-tier complaint) just over a third (36%) funded the service themselves. In fact 29 per cent of type 6 respondents funded their legal service use through a free service which was not a no win no fee arrangement.
- 2.8.3 The survey identified a lack of information being passed on from the provider to the consumer, which in some cases has lead to dissatisfaction. Of type 3 respondents, 82 per cent said they were not told about the in-house complaints procedure compared with 24 per cent of type 4 respondents and 52 per cent of type 5 respondents.
- 2.8.4 Type 3 respondents were also significantly more likely than type 5 and 6 respondents to be made aware of the likely costs of the case at the beginning (54% compared with 43% and 29% respectively).

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 2.8.5 As mentioned one of the main causes of dissatisfaction was due to mistakes being made by the service provider. Type 5 and 6 respondents were significantly more likely than type 3 and 4 respondents to state mistakes as a cause for dissatisfaction – 56 per cent and 54 per cent compared with 35 per cent and 34 per cent respectively. More importantly type 4 to 6 respondents (who have all made a complaint) were all significantly more likely than type 3 respondents to believe that they had received the wrong legal advice.
- 2.8.6 In addition to mistakes, 56 per cent of type 5 respondents and 54 per cent of type 6 respondents were also dissatisfied because they felt the quality of service provided was poor or not up to scratch. For type 3 respondents, delays to the amount of time the matter took was the main reason for dissatisfaction (47%).
- 2.8.7 What is evident from the research is that dissatisfaction relating to specific individuals dealing with the matter was much higher among type 5 and 6 respondents. 30 per cent of type 6 and 20 per cent of type 5 respondents felt they were not treated well by staff compared with 12 per cent of type 3 respondents.
- 2.8.8 Perceived incompetency was also an issue among type 5 and 6 respondents with these respondents more likely to state that the person dealing with them did not seem to know what he or she was doing than type 3 and 4 respondents.
- 2.8.9 In addition to making the complaint, respondents were asked if they were charged for making it. Type 4 respondents were significantly more likely than type 5 and 6 respondents to have been charged for making a complaint (24% compared with 10% and 11% respectively).
- 2.8.10 The majority of respondents made a complaint initially in writing (66%) followed by telephone (27%) and in person (22%). What is interesting is that type 4 respondents were significantly more likely than type 5 and 6 respondents to have complained in person (29% compared with 14% and 13% respectively). What this highlights is this need from respondents to be treated as a human and as some mentioned ‘having a personal touch’.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 2.8.11 Overall respondents were slightly more likely to be dissatisfied with their experience of the in-house complaints procedure than satisfied (40% compared with 37%).
- 2.8.12 Many respondents did not receive any information about the Legal Ombudsman (8% at engagement), in particular type 5 respondents with only seven per cent being informed at engagement. This may explain why type 5 respondents did not progress forward to a second-tier complaint.
- 2.8.13 Type 4 respondents were more likely than others to have heard about the Legal Ombudsman when the bill was sent to them while type 6 respondents were more likely to hear about the Legal Ombudsman when they complained. Only six per cent of type 5 respondents were informed of the Legal Ombudsman when their complaint had been rejected compared with just under a quarter (23%) of type 6 respondents.
- 2.8.14 Type 5 respondents were far more likely to have had no acknowledgement of their complaints than type 4 and type 6 respondents (22% compared with 3% and 9% respectively).
- 2.8.15 However, among those whose complaints were acknowledged, a third of type 5 respondents said the provider did not respond after their complaint had been submitted compared with two per cent of type 4 respondents and 13 per cent of type 6 respondents. 40 per cent of type 5 respondents said their complaint was rejected compared with nine per cent of type 4 respondents.
- 2.8.16 Over half (55%) of type 6 respondents had their complaint rejected, however they were more likely to have been informed of a legal ombudsman which explains why they were more like to have moved to a second-tier complaint.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

### 3 Introduction

3.1.1 The LSB was established by the Legal Services Act 2007 (the Act), following concerns that existing regulatory structures failed to adequately represent consumer interests.

3.1.2 Complaints handling was a specific area of focus and as a result the LSB commissioned YouGov to undertake research among individuals who have used a legal service in the last three years and who have been dissatisfied with the service provided.

3.1.3 The LSB identified six types of consumers according to their use of legal services within the last two to three years:

- **Type 1:** Non-users of legal services
- **Type 2:** Users of legal services and satisfied with service
- **Type 3:** Users of legal services, dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints
- **Type 4:** Users of legal services, dissatisfied with service, progress to first-tier complaints and are satisfied with outcome
- **Type 5:** Users of legal services, dissatisfied with service, progress to first-tier complaints, remain dissatisfied but did not, and are not planning on, progressing to second-tier complaints
- **Type 6:** Users of legal services, dissatisfied with service, progress to first-tier, remain dissatisfied and progress to second-tier

3.1.4 Of particular interest to the LSB were types 3,4,5 and 6 respondents and their overall experience of the complaints procedure within the legal industry. As a result this research focuses on:

- Reasons for action or inaction among respondents
- Their experience and awareness of the complaints procedure
- Their overall outcome and satisfaction with it
- Reasons for not proceeding to second-tier complaints

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier



- Reasons for dissatisfaction

### 3.2 Method

- 3.2.1 The study consisted of a quantitative and qualitative element both conducted via the YouGov panel consisting of 300,000 people.
- 3.2.2 The quantitative research was an online survey carried out between the 9<sup>th</sup> March to 13<sup>th</sup> April 2011. As there is no published research that provides a detailed breakdown of the characteristics of dissatisfied legal service users, the results for this study have not been weighted. It is important to note that this report does not express views of the nation but the views of (in this case) 1,275 respondents who are dissatisfied legal service users.
- 3.2.3 The qualitative fieldwork was conducted over a period of two weeks, from the 21<sup>st</sup> March to the 1<sup>st</sup> April 2011. In total, there were 33 interviews, 20 type 5 respondents and 13 type 6 respondents.
- 3.2.4 The panel was screened to identify those respondents who had used a legal service in the last three years. The screening process continued over a period of two months (between February and March 2011).
- 3.2.5 The question used to identify those respondents who had made a first-tier complaint in quantitative research was as follows:

**What was your initial response to being dissatisfied?**

- <1>Raised my concerns with the service provider but did not make a formal complaint
- <2>Got advice from a third party about what I should do about it
- <3>I made a formal complaint to the service provider
- <4>Complained/ sought advice from The Citizens Advice Bureau
- <5>Complained to someone else
- <6>I intend to complain but have not yet
- <7>I didn't do anything about it

- 3.2.1 Respondents who ticked code 3 were defined as a first-tier complainant. Those who ticked code 4 and 5 were asked after their initial action to go back to the service provider and complain. Respondents who did were also classified as a first-tier complainant, making a total of 33 per cent of respondents who had made a first tier complaint.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 3.2.2 Prior to October 2010 legal service regulators dealt with complaints with ultimate appeal to the Office of the Legal Services Ombudsman. The complaints handling framework changed on 6 October 2010 with the introduction of the Legal Ombudsman and the expectation that legal service regulators (approved regulators) must be compliant with the requirement of the Act to ensure that all those they regulate have effective first-tier complaint mechanisms in place. The LSB has required that all clients are notified of their rights of complaint, to use these procedures and their right to complain to the Legal Ombudsman as the next step if they remain dissatisfied.
- 3.2.3 Where a response was sought from the respondents about second-tier complaints, to make the question understandable and to ensure we captured experiences of respondents both before and after October 2010, the words 'Legal Ombudsman' were used as a proxy to capture responses about any complaints handling experience they considered fitted this description. The data shows that respondents did identify and distinguish the existence of a legal ombudsman service both before and after October 2010. In the final results, we were able to filter between those who were referring to a legal ombudsman service pre and post October 2010. We have ensured that it is clear where we refer to the total responses that relate to a legal ombudsman and when we are distinguishing between responses that relate to experience pre and post October 2010.
- 3.2.4 The report starts off by providing a breakdown of characteristics of legal service users, the area of law that they used and how their service use was funded.
- 3.2.5 Section five provides an overview of their service experience and how they chose their provider followed by section six which looks at why respondents were dissatisfied with the service.
- 3.2.6 Section seven looks at the in-house complaints procedure in more detail which then leads into section eight which looks at first-tier complaints.
- 3.2.7 Section nine of the report looks at the LSB signposting requirement and whether there is evidence in the research that there is compliance and section 10 looks at the outcomes.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 3.2.8 Section 11 draws upon second-tier complaints and the final section brings together the research to provide a conclusion on what the research is telling us about consumer satisfaction with the complaints process within the legal industry.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 4 Characteristic of dissatisfied legal service users

### 4.1 Introduction

4.1.1 The first section of this report explores the characteristics of type 3 to 6 consumers. It will look at:

- Demographics of each group
- The area of law used
- How the use of this service was funded

### 4.2 Who are these respondents?

4.2.1 Figure 1 shows how type 3 to 6 respondent's breakdown across certain demographics.

**Figure 1 : Demographic summary**

Characteristics	Type 3 – dissatisfied no complaint (n=719)	Type 4 – satisfied first tier (n=190)	Type 5 – dissatisfied first tier (n=140)	Type 6 – second tier (n=56)
Male	55%	60%	54%	55%
Female	45%	40%	46%	45%
Under £10,000	7%	10%	8%	7%
£10,000 to £19,999	15%	19%	13%	27%
£20,000 to £29,999	18%	21%	28%	18%
£30,000 to £39,999	19%	26%	18%	16%
£40,000 to £49,999	13%	10%	10%	14%
£50,000 to £59,999	7%	5%	5%	5%
£60,000 to £69,999	8%	3%	4%	5%
£70,000 to £99,999	6%	5%	7%	5%
£100,000 and over	7%	2%	7%	5%
Disability	35%	55%	33%	39%
No disability	65%	45%	67%	61%
White	94%	83%	92%	92%
Non White	6%	17%	8%	8%
England	95%	95%	94%	95%
Wales	5%	5%	6%	5%

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 4.2.2 The gender split across all dissatisfied legal service users surveyed seems more or less the same, except for type 4 users who are more likely to be men than women (60% compared with 40%) and also more likely to have a disability (55% compared with 45%).
- 4.2.3 The regional split across types of respondents was also similar with the majority (95%) living in England. In terms of income, most respondents fell between the household income bands of £10,000 to £39,999. Type 4 respondents seemed less likely than others to have a household income of more than £100,000 with only two per cent stating this, compared with seven per cent of type 3 and 5 respondents and five per cent of type 6 respondents.
- 4.2.4 It seems that across the board characteristics are more or less the same with the exception of type 4 respondents who seem to be slightly different.

### 4.3 Area of law

- 4.3.1 Conveyancing was the most recent service used (23%) followed by probate (10%) and family matters (10%). White respondents were significantly more likely than non-white respondents to state conveyancing (24% compared with 9%) while non-white respondents were significantly more likely to state:
- Housing, landlord or tenant problems (13% compared with 5%)
  - Immigration matters (9% compared with 2%)
  - Problems with consumer services or goods (10% compared with 4%)
- 4.3.2 Conveyancing was most likely to be used as a personal than business matter (88% compared with 9%), however areas of law relating to housing, landlord or tenant problems were twice as likely to be used as a result of a business matter rather than a personal one (11% compared with 5%).
- 4.3.3 Type 3 respondents were significantly more likely than type 4 and 6 respondents to state conveyancing while type 4 respondents were significantly more likely than type 3 to state employment disputes. This was also the case for:
- Problems with consumer services or goods (6% compared with 3%)

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

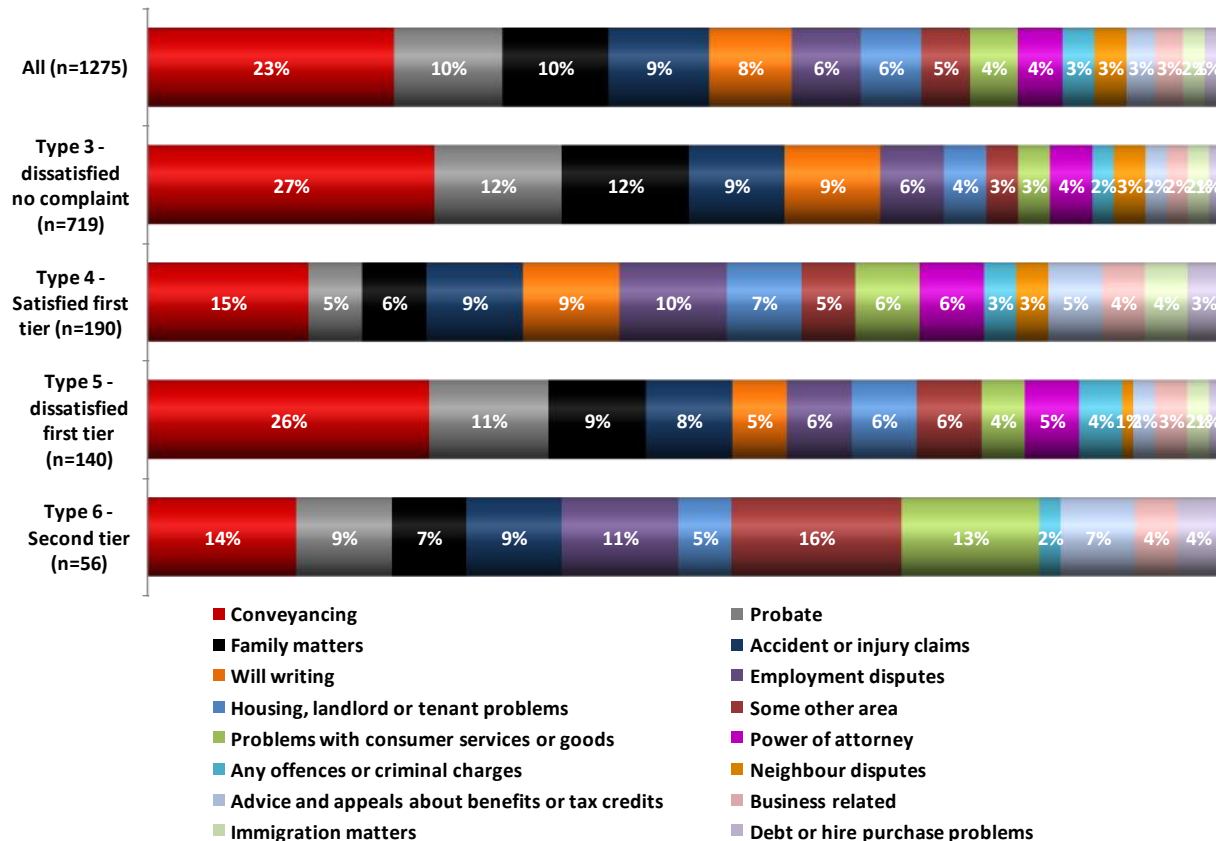
**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- Advice and appeals about benefits or tax credits (5% compared with 2%)
- Debt or hire purchase problems (3% compared with 1%)

**Figure 2 : Area of law used**



4.3.4 Similar to type 3 respondents, conveyancing was also prevalent for type 5 respondents with over a quarter (26%) stating this.

4.3.5 There is an indication that in addition to differing demographics, type 4 respondents are also more likely to have used certain areas of law more than others such as employment disputes (10%) and advice and appeals about benefits or tax credits (5%). Later sections in the report will look at reasons for dissatisfaction which may shed more light on why type 4 respondents seem to be different.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

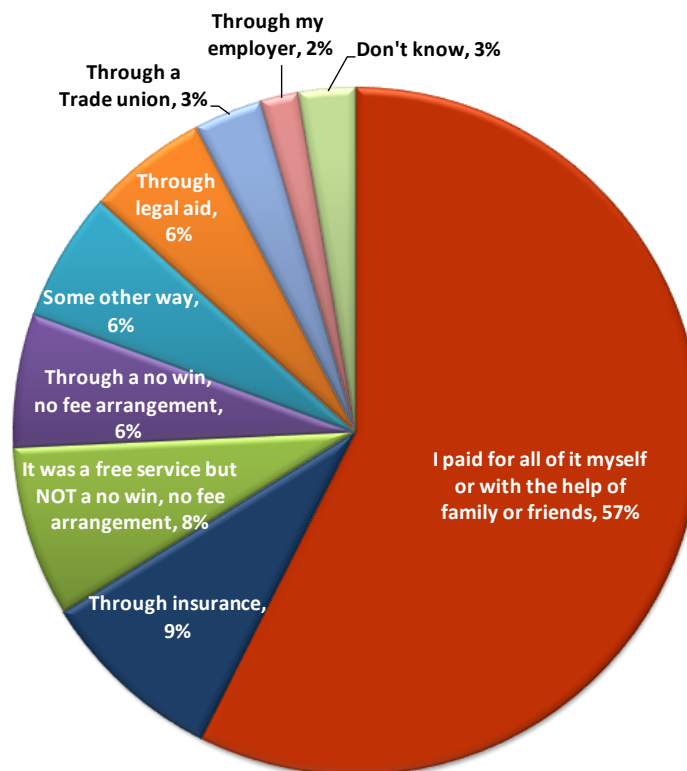


4.3.6 The majority of respondents' legal service usage was in relation to a personal matter (82%) with one in ten (9%) relating to a business matter and four per cent on behalf of a client.

#### 4.4 Funding of legal service

4.4.1 The majority of respondents paid for the legal service themselves or with the help of friends and family (57%). Around one in ten (9%) funded the service through their insurance and eight per cent said it was a free service but not a no win no fee agreement.

**Figure 3 : Funding of legal service**



Base: All who have used legal services in the last 3 years and were dissatisfied (n=1275)

4.4.2 Six per cent funded it through a no win no fee agreement while a small percentage funded it through a trade union (3%) or their employer (1%). Six per cent of respondents funded their service some other way.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

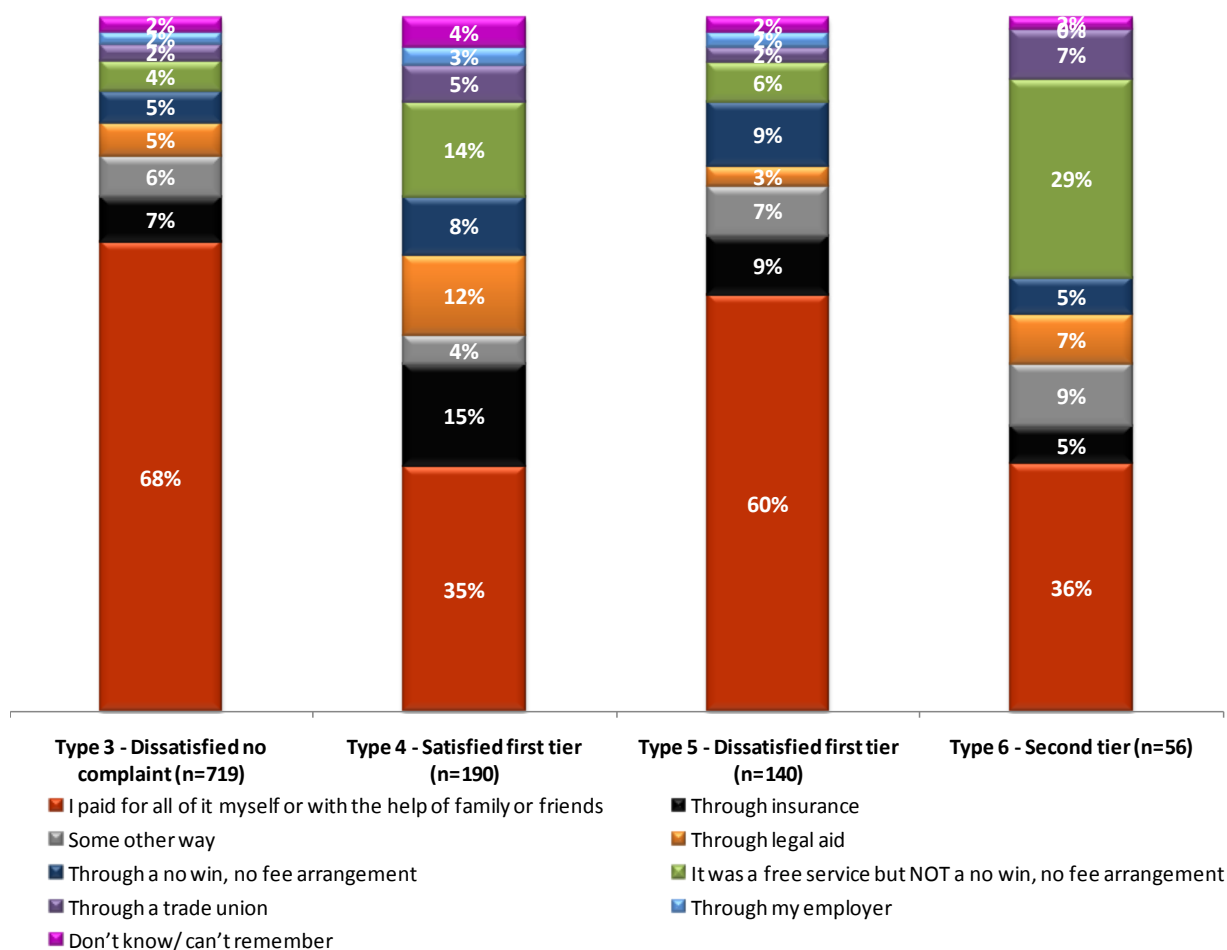
**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 4.4.3 Respondents with a disability were significantly more likely than those with no disability to have funded their service use through legal aid (8% compared with 4%) and no win no fee agreement (9% compared with 4%).

**Figure 4 : Funding of legal services by types of consumer**



- 4.4.4 Figure 4 shows that type 3 respondents mostly paid for the service themselves (68%) – this number almost halved among type 6 respondents with just over a third (36%) funding the service themselves. In fact 29 per cent of type 6 respondents funded their legal service use through a free service which was not a no win no fee arrangement.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 4.4.5 While there are some indications that those who pay for their legal service are less likely to complain, type 5 respondents are the 'exception to the rule' as 60 per cent of type 5 respondents funded the service themselves.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 5 Service Experience: An Overview

### 5.1 Introduction

5.1.1 This section of the report provides an overview of the legal service used by the respondent. It looks into:

- How the respondent chose the provider and who exactly provided the service
- How the service was mainly provided and the information they were provided when they first instructed the provider to go ahead with the matter

### 5.2 Choosing a service provider

5.2.1 How respondents chose their provider was not as simple as how they funded their legal service use. As Figure 5 shows the results are more evenly distributed – 14 per cent went on recommendation from friends or family and seven per cent searched on the internet or saw local offices.

5.2.2 White respondents were significantly more likely than non-white respondents to have used a service provider they/ family/ friend had used before (19% compared with 11%). It is therefore not surprising that non-white respondents were more likely to use sources such as the yellow pages (11% compared with 3%).

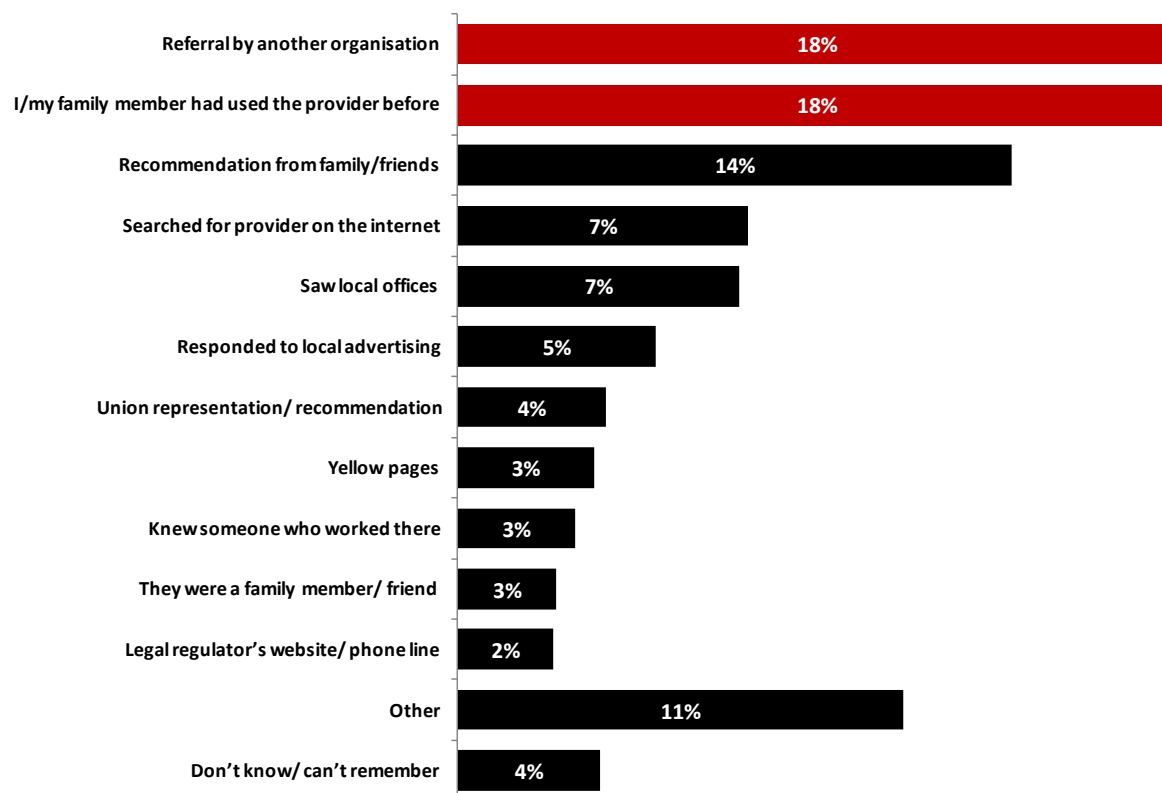
**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Figure 5 : Choice of service provider**



**Base: All who have used legal services in the last 3 years and were dissatisfied (n=1275)**

5.2.3 Table 1 shows selection of service provider across areas of law and, at a glance, it is clear that most either chose the provider based on a referral from another organisation or because they had used the provider before. Unlike other services such as insurance, where a price comparison model is generally used, choosing a legal service provider is very much down to reputation and past experience.

5.2.4 However, legal services are also quite 'local services', seven per cent of respondents chose their legal service provider as a result of seeing their local offices. If we look at this across types of law it seems respondents with family related matters were more likely to do this.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Table 1: Selection of service provider across areas of law used**

Choice of provider (Top three)	
Conveyancing (n=293)	
Referral by another organisation	33%
I/my family member had used provider before	19%
Recommendation from family/friends	13%
Will writing (n=98)	
I/my family member had used provider before	18%
Recommendation from family/friends	16%
Responded to local advertising	16%
Probate (n=129)	
I/my family member had used provider before	47%
Other	19%
Recommendation from family/friends	11%
Family matters (n=126)	
Recommendation from family/friends	29%
I/my family member had used provider before	21%
Saw local offices	17%
Accident or injury claims (n=120)	
Referral by another organisation	33%
Other	18%
Responded to local advertising	8%
Housing, landlord/ tenant problems (n=72)	
Referral by another organisation	22%
I/my family member had used provider before	11%
Recommendation from family/friends	10%
Employment disputes (n=82)	
Union representation/ recommendation	22%
Recommendation from family/friends	13%
Referral by another organisation	12%
Problems with consumer services/ goods (n=57)	
Referral by another organisation	18%
Recommendation from family/friends	16%
Searched for provider on the internet	16%
Power of attorney (n=53)	
I/my family member had used provider before	34%
Other	15%
Saw local offices	9%

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

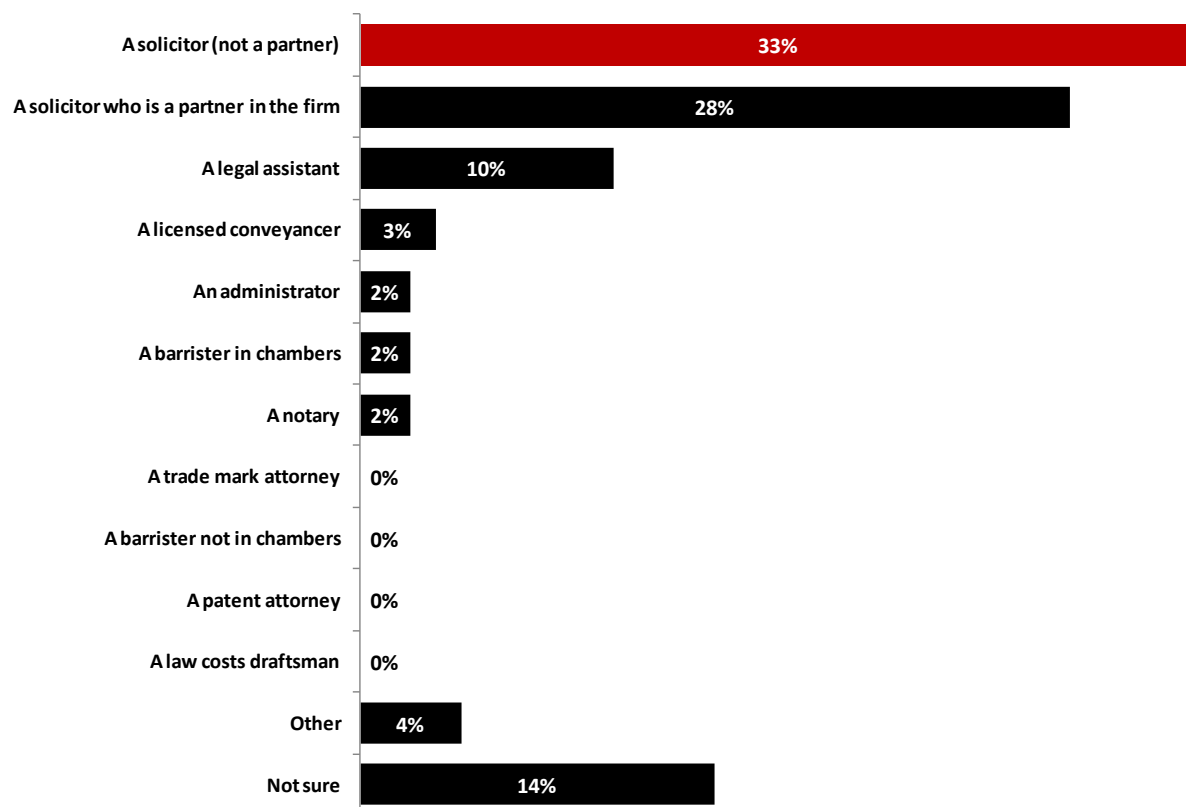
**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier



### 5.3 Who provided the service?

5.3.1 Respondents were asked about the organisation that provided them with the service and who specifically dealt with it. Solicitors provided the service for the majority of respondents (72%) followed by other groups (e.g. banks, trade unions) (9%) and Licensed conveyancers (4%). White respondents were more likely to use a solicitor while non-white respondents were more likely to use a barrister, trademark attorney and patent attorney.

**Figure 6 : Who specifically handled the matter**



**Base: All who have used legal services in the last 3 years and were dissatisfied (n=1275)**

5.3.2 A third of respondents said a solicitor (not a partner) specifically dealt with their matter and 28 per cent said it was dealt with by a solicitor who was a partner in the firm (28%). Non-white respondents were less likely to have used a solicitors organisation than white respondents (43% compared with 75%).

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 5.3.3 Figure 6 also highlights that one in seven respondents did not know who dealt with their matter. The qualitative research highlighted that lack of competency among the personnel involved was a key driver of dissatisfaction. What came across quite often was that consumers were led to believe a senior member of the firm would be dealing with their case, only to find that it was being handled by a junior member or trainee.

***“...but the person he put me onto was a partner and he handed it on to a more junior person in the practice... the person that he handed it onto, it transpired, was quite incompetent” (Type 5 –dissatisfied first-tier)***

***“...at the end of the day what I would have hoped for was a reply saying, ‘Yes, my junior partner-,’ because he clearly was a junior I thought, ‘Was not as good as he could be and as a result here’s 10% off your bill, or whatever” (Type 5 – dissatisfied first-tier)***

- 5.3.4 The qualitative research found that the issues of competency were also raised among those interviewees whose matter was dealt with by a senior partner. This finding will be discussed in detail in later sections of this report.

## 5.4 How was the service provided?

- 5.4.1 The way in which the service was provided was evenly distributed with 53 per cent stating the service was provided in person, 54 per cent stating it was provided in writing and half over the telephone. Just under a third (30%) said the service was provided via email.
- 5.4.2 The results indicate that respondents who used a legal service for will writing, family matters and power of attorney were more likely to state that the service was provided in person.

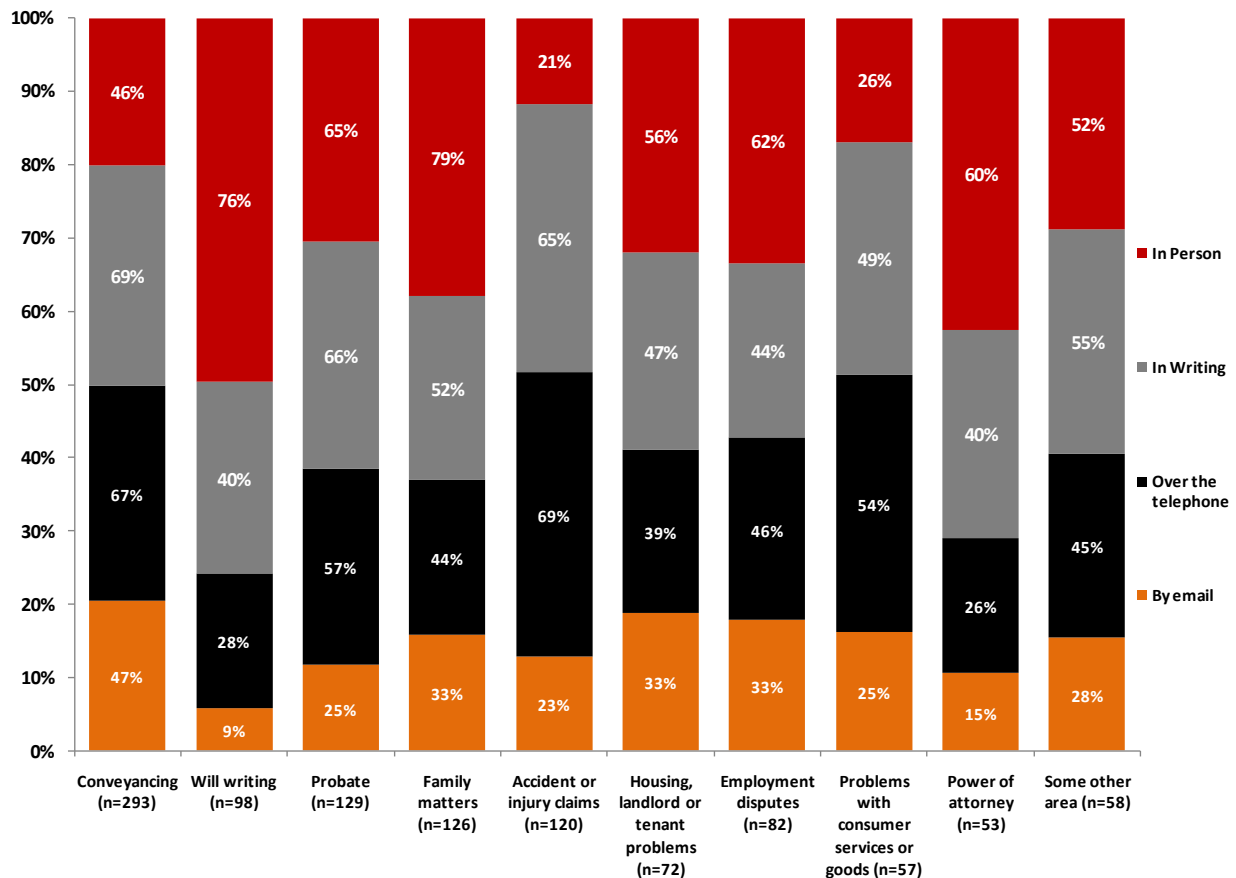
**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

Figure 7: Service provision across areas of law



Figures for don't know have not been shown

5.4.3 Figure 7 also shows that matters relating to Conveyancing were more likely than other areas of law to be dealt with via email (47%). Services least likely to be provided via email related to will writing (9%) and power of attorney (15%).

5.4.4 While it is clear that legal services are provided through a combination of telephone, in person and writing, what came through clearly in the qualitative research was that respondents felt face to face contact at the outset would have prevented the poor service received - it would have given them the personal contact which they felt they needed to explain their case and get their points across:

***“It’s probably unreasonable, but maybe even a visit. When it’s that much money involved, maybe even coming to your house and saying, ‘We’re really sorry, we’ll***

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

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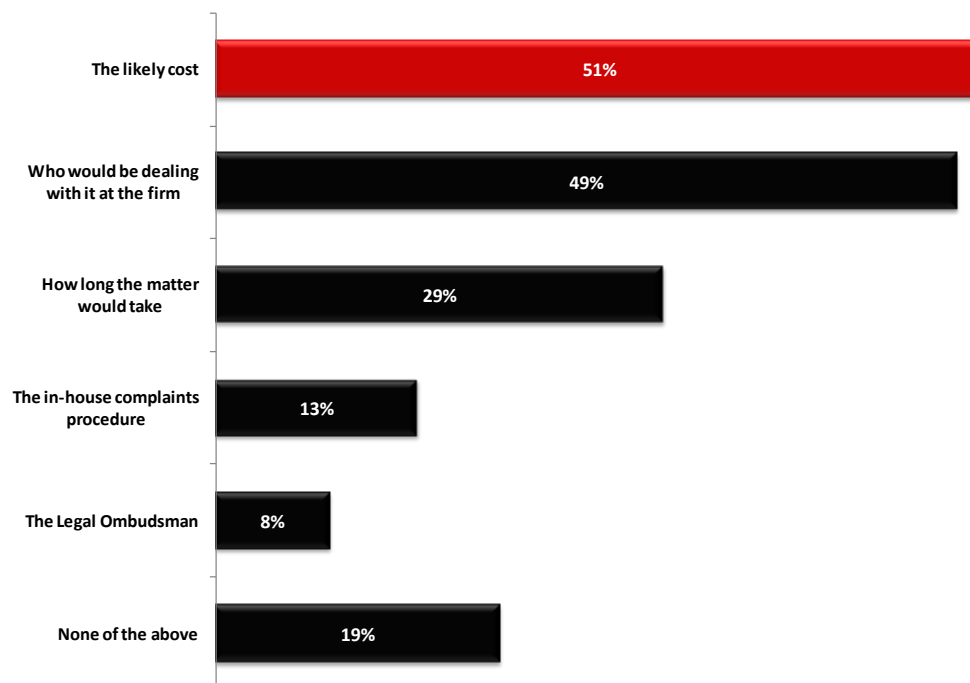
***try and get to the bottom of this.’ Letters can seem a bit impersonal’.* (Type 5 – dissatisfied first-tier)**

## 5.5 Initial information provided

5.5.1 Half of the respondents were told about the likely cost of their case (51%) and who would be dealing with it at the firm (49%) when they first instructed their provider to go ahead with the matter. However, one in five were not told anything about costs, complaints, timescales and so on. Only 13 per cent were told about the in-house complaints procedure and eight per cent about the Legal Ombudsman. These findings were echoed in the qualitative research in which most cases, providers did not disclose information about the complaints procedure up front:

***“They didn’t point me in any direction with regards to making a formal complaint...we were just completely in the dark”* (Type 5 – Dissatisfied first-tier)**

**Figure 8: Information provided at engagement**



**Base: All who have used legal services in the last 3 years and were dissatisfied (n=1275)**

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 5.5.2 In May 2010, the LSB published requirements that specifies those being regulated must make it clear to consumers that they have the right to complain about their legal service provider, how to make a complaint and to whom this can be done including the role of the Legal Ombudsman.
- 5.5.3 These requirements are referred to by the LSB as ‘signposting requirements’ and were established in May 2010 and implemented by approved regulators in October 2010. Within the signposting requirement the LSB has specified a requirement that:
- Approved regulators must require all individuals and entities they regulate to notify all clients in writing:
- a. at the time of engagement, or existing clients at the next appropriate opportunity, of their right to make a complaint, how and to whom this can be done (including their right to complain to the Legal Ombudsman at the conclusion of the complaint process, the timeframe for doing so and full details of how to contact the Legal Ombudsman); and
  - b. at the conclusion of the complaint process of their right to complain to the Legal Ombudsman, the timeframe for doing so and full details of how to contact the Legal Ombudsman.
- 5.5.4 However, if we look at results pre and post October 2010, for both engagement and complaint made, there are no significant differences between the information provided about the complaints procedure. We are however aware that complaints handling pre October 2010 was carried out by the professional regulator, e.g. the Solicitors Regulation Authority, and, therefore, a direct comparison cannot be made.
- 5.5.5 Table 2 shows that 13 per cent of respondents who engaged pre October 2010 recalled being told about the in-house complaints procedure at engagement and seven per cent about a Legal Ombudsman. Post October 2010 these figures remained the same with 14 per cent informed of the in-house complaints procedure and eight per cent about the Legal Ombudsman.
- 5.5.6 Among those who complained to the provider pre October 2010, 17 per cent of respondents recalled being told about the in-house complaints procedure at engagement and 12 per cent about a Legal Ombudsman.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Table 2: Information provided at engagement pre and post signposting requirements**

<b>Engaged with Provider</b>	<b>Pre Oct 2010 (n=1168)</b>	<b>Post Oct 2010 (n=107)</b>
The likely cost	51%	44%
Who would be dealing with it at the firm	50%	34%
How long the matter would take	30%	29%
The in-house complaints procedure	13%	14%
A Legal Ombudsman	7%	8%
<b>Complained to provider</b>	<b>Pre Oct 2010 (n=334)</b>	<b>Post Oct 2010 (n=91)</b>
The likely cost	48%	45%
Who would be dealing with it at the firm	47%	38%
How long the matter would take	30%	29%
The in-house complaints procedure	17%	12%
A Legal Ombudsman	12%	9%

- 5.5.7 There has only been a five month period between implementation and this research therefore it may be too early for the impact of the signposting requirements to be seen.
- 5.5.8 One factor to take into consideration is that type 3 respondents who were dissatisfied but did not or do not plan to make a complaint were significantly more likely than type 5 and 6 respondents to be made aware of the likely costs of the case at the beginning (54% compared with 43% and 29% respectively). However type 5 and 6 respondents were significantly more likely to have been told about the in-house complaints procedure (17% and 29% compared with 11%).
- 5.5.9 What the results seem to be suggesting is that that awareness of costs upfront may result in consumers being less likely to complain and the more informed consumers are at the outset about the internal complaints procedure, the more likely they may be to follow through with a complaint.
- 5.5.10 Despite not being told at engagement, six per cent were told sometime after they engaged but before things started to go wrong. 13% were informed when things started to go wrong and one in ten when things had been going wrong for some time. Five per cent of respondents only found out about the in-house complaints procedure when they were given the bill but two thirds of respondents said they were never told about the in-house complaints procedure.

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

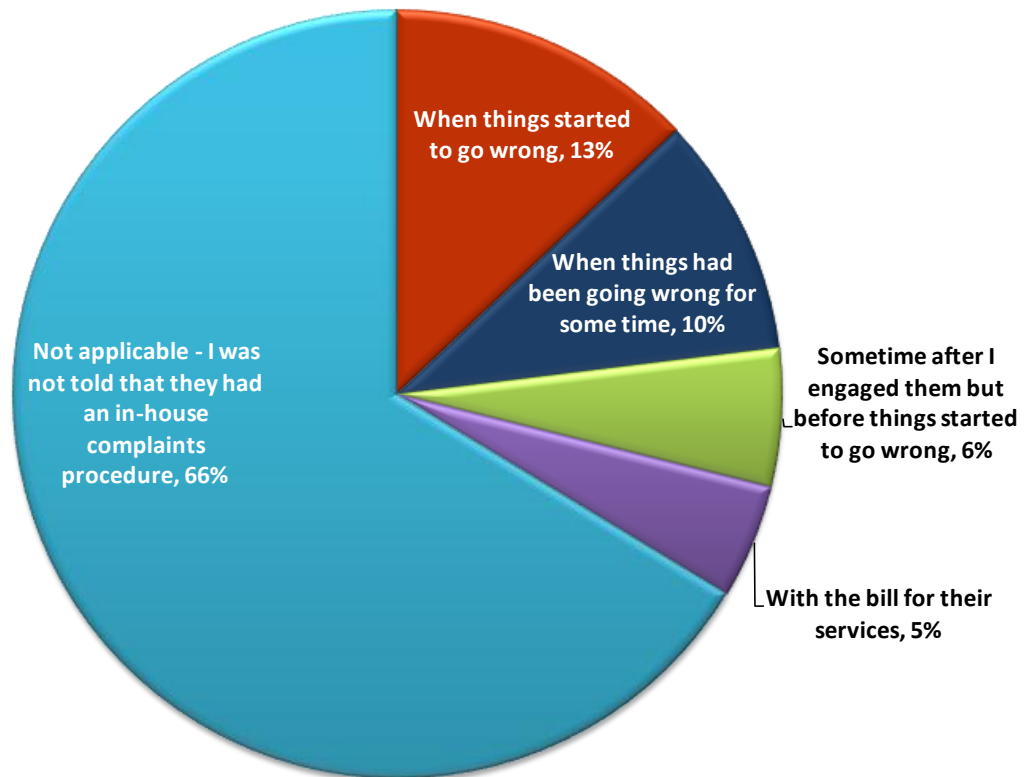
**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier



Figure 9: Information about in-house complaints procedures



Base: All who have used legal services in the last 3 years and were dissatisfied and who were not told about the in-house complaints procedure when they first instructed the provider (n=1105)

5.5.11 The qualitative research found that respondents who were never told about the in-house complaints procedure either checked the firm's website for this information or they simply wrote a letter (in most cases to the senior partner) after having expressed their dissatisfaction unofficially to the legal firm.

***“Well, what I did then was I wrote a letter, which I sent by email, to the senior partner for the conveyancing department. Again I just got the details off their website. I emailed that to him. I think I did the telephone call on the Friday, I didn’t get the call back on the Friday. I left it until, I think, the Monday or the Tuesday, and then just followed it up. I emailed this letter, and it was a letter of***

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

***complaint, to say, ‘Look, I emailed an enquiry to ask what’s happening two weeks ago, I didn’t get a reply...’ (Type 6 – second-tier)***

***“I went right to the- like I said- the top, the head of the company, the main man himself” (Type 6 – second-tier)***

- 5.5.12 Where respondents checked the website, there was not always a clear indication of who to contact in case of a complaint, adding to the perceptions of lack of transparency.
- 5.5.13 A few of the interviewees said that they only found out who to complain to/ how to complain to the legal firm after contacting the Law Society or a Legal Ombudsman (given that they had to submit a complaint with the firm before pursuing with them).
- 5.5.14 Of type 3 respondents, 82 per cent said they were not told about the in-house complaints procedure compared with 24 per cent of type 4 respondents and 52 per cent of type 5 respondents. This seems to support the suggestion that the more knowledge you have about the in-house complaints procedure the more likely it seems you are to make a complaint.
- 5.5.15 White respondents were also significantly more likely than non-white respondents to have no recollection of ever being told about the in-house complaints procedure (69% compared with 38%). This may help explain why white respondents were also significantly more likely to raise their concerns with the service provider but not make a formal complaint (35% compared with 19%).
- 5.5.16 The majority of respondents who were told about the in-house complaints procedure at a later date said they had to ask for it themselves (62%). A quarter of respondents said the firm volunteered the information (28%). Some examples include:

**Example 1:** The respondent was provided with information about the in-house complaints procedure after they had written an initial letter of complaint

***“I was not given any information about the firm’s complaints procedures until I wrote a letter to the firm telling them about how dissatisfied I was with their service...they later sent me a pack with information about how to make a complaint.” (Type 5 - dissatisfied first-tier)***

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Example 2:** The respondent was drawn to the internal complaints procedure because he had proof that the firm was in the wrong. He had the impression that the firm was keen to deal with this internally, rather than letting him go to the Law Society.

***“They did. Yes. They said there was a procedure for them to go through, like... It didn’t take too long actually because, like I said, they knew they were in the wrong from the word go... because I’d actually got that proof, that made things a lot easier for me, I suppose” (Type 5 - dissatisfied first-tier)***

5.5.17 Of those respondents who made a formal complaint, 62 per cent found out about the complaints procedure at some point in the process while 38 per cent never did.

5.5.18 The responses tend to indicate that there may be a link between amount of information provided and likelihood to complain.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 6 Dissatisfaction with a legal service

### 6.1 Introduction

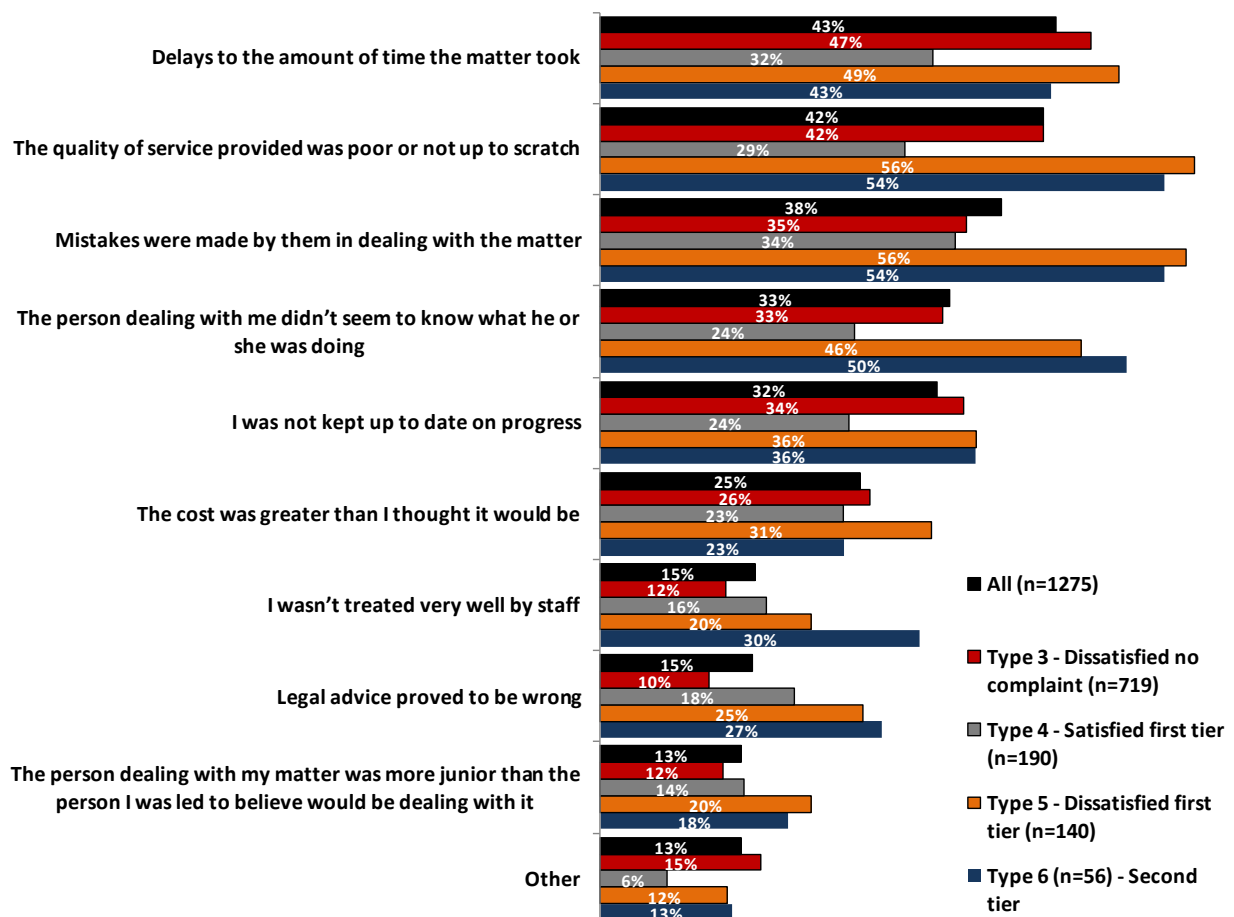
6.1.1 This section of the report looks in detail at reasons for dissatisfaction and why some respondents were more dissatisfied than others. It will look at dissatisfaction across:

- Demographics, including the types of consumer
- Area of law used and the level of information they were provided

### 6.2 Reasons for dissatisfaction across types of consumer

6.2.1 The main reason for dissatisfaction among all respondents was the delays to the amount of time the matter took (43%) followed by the poor quality of service (42%).

**Figure 10: Reasons for dissatisfaction (not showing figures for don't know)**



**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

6.2.2 White respondents were significantly more likely to state delays as a cause of dissatisfaction than non white respondents (44% compared with 32%). This was also more prominent among respondents without a disability – 46 per cent compared with 40 per cent of respondents who have a disability.

6.2.3 The qualitative research identified that the lack of clear timescales provided up front, at the outset of a case resulted in consumers often feeling left in the dark with regards to:

- How long something should take
- When they can expect different stages to be completed
- When an outcome will be achieved.

***“Dissatisfaction was the length of time they actually took to do anything about the will”***

6.2.4 While many interviewees understood that the complexity of each case could have an impact on any provisional timings provided, they felt there was a continuous lack of transparency/ communication around the process and potential timings attached to it.

6.2.5 Just over a third of respondents said mistakes made by the provider were a cause for dissatisfaction and again this was more prominent among white respondents than non-white respondents. The qualitative research found that these were often basic mistakes ranging from names being misspelt to wrong addresses:

***“I was having a will done and they spelt my son’s name wrong which I felt was fundamental to the process. When I raised this to them they just said oh it’s a typo and we will fix it but I thought if they can’t even get the names right then how can I trust that everything else is fine. After that I really didn’t have any trust left...”*** (Type 5 – dissatisfied first-tier)

***“During the process, as you have buying a house, there were several mistakes the solicitor had made. For example, I’ll give you one example, the house I was buying had the address wrong” ...”*** (Type 5 – dissatisfied first-tier)

6.2.6 Type 5 and 6 respondents were significantly more likely than type 3 and 4 respondents to state mistakes as a cause for dissatisfaction – 56 per cent and 54 per cent compared

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

with 35 per cent and 34 per cent respectively. More importantly type 4 to 6 respondents were all significantly more likely than type 3 respondents to believe that they had received the wrong legal advice.

- 6.2.7 Type 5 and 6 respondents were also significantly more likely to state that the person dealing with them did not seem to know what he or she was doing. The qualitative research found a similar complaint about ‘inconsistent personnel’:

**Example 1:** A solicitor was leaving and as a result was replaced by a new one. The new solicitor that started on the case was seen to be unfamiliar with the detail and in the consumers eyes ‘less of an expert’. As a result this slowed down the case as things were unable to move forward until the replacement solicitor was up to speed.

***“I think she was an assistant team leader, but even then she was still making mistakes. She was sort of giving my name as the other person’s name” (Type 5 – dissatisfied first-tier)***

**Example 2:** A solicitor went on maternity leave and the lack of communication around the changes to personnel handling the case was poorly managed and explained.

***“They changed solicitors midway and I had to start all over again” (Type 5 – dissatisfied first-tier)***

- 6.2.8 What is evident from Figure 10 is that dissatisfaction related to specific individuals dealing with the matter were much higher among type 5 and 6 respondents – 30 per cent of type 6 and 20 per cent of type 5 respondents felt they were not treated well by staff compared with 12 per cent of type 3 respondents. This was again apparent in the way the staff dealt with them with 46 per cent of type 5 and 50 per cent of type 6 respondents claiming the person dealing with them had no idea what they were doing.
- 6.2.9 While one would assume that cost would be at the top of the list, it falls closer to the bottom of this list with a quarter stating it as a cause for dissatisfaction. Results tend to be similar across all types of respondents indicating that cost was perhaps not a main driving force of making a complaint either.

- 6.2.10 A major concern for the interviewees related to costs and the notion of the ‘meter being running’ as soon a phone call is made or an e-mail sent, given that all time has to be

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**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

accounted for financially. Some interviewees said this was used as a threat by solicitors who felt that respondents were ‘chasing them up’ as a way to encourage respondents to cease contact with them. This was deemed as frustrating given that respondents were frequently contacting the solicitor to obtain information that should have been sent to them already.

6.2.11 As mentioned, respondents apply their experiences and expectations of other services they pay for, to those in legal services. And given the large sums of money involved, expectations frequently run high.

***“You are a person requiring services. You pay for those services. End of story” (Type 5 – dissatisfied first-tier)***

***“What was not really made clear to me was the cost of all this. I wasn’t given an initial outline of how much it would be” (Type 5 – dissatisfied first-tier)***

***“You felt guilty because you were told to not phone up because you’re using the money out of the pot. Every time you send an e-mail it costs £50 out of your pot of money” (Type 5 – dissatisfied first-tier)***

6.2.12 What these findings come back to is an issue uncovered in the qualitative research that in many instances, consumers’ complaints were not focused on one issue alone. Frequently it was an amalgamation of issues, which cumulatively resulted in the desire/ need to complain, as opposed to just one issue with the service in question.

6.2.13 The qualitative research found additional causes of dissatisfaction which were not covered in the quantitative research which can be seen in Figure 11.

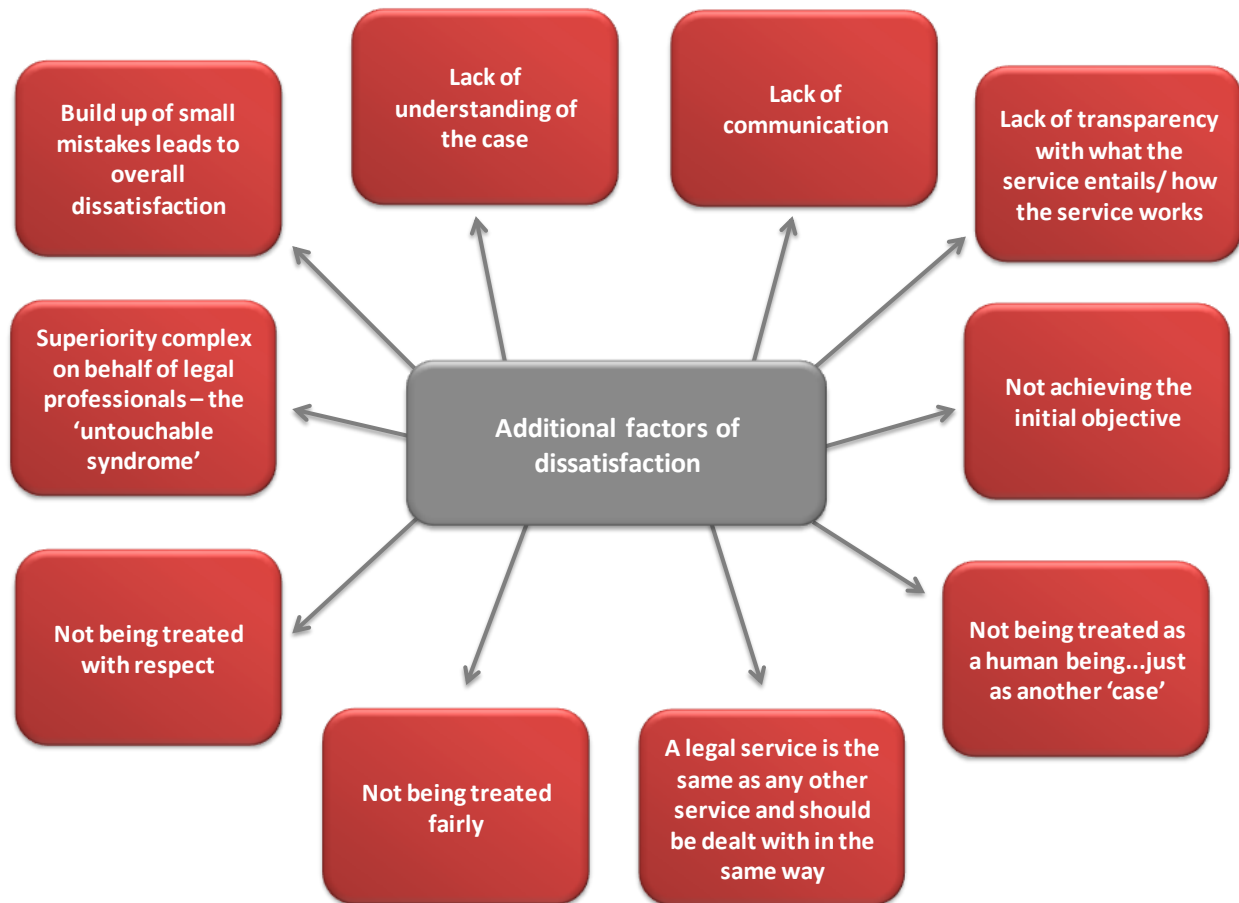
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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Figure 11: Qualitative findings for causes of dissatisfaction**



### 6.3 Initial response

- 6.3.1 A third of all respondents raised concerns to the service provider as a result of their dissatisfaction but did not make a formal complaint. Eight per cent of these sought advice from a third party while four per cent complained/ sought advice from the citizens advice bureau (CAB).
- 6.3.2 Half (52%) of respondents who complained but not directly to the service provider were directed back to the service provider and of those who were directed back, 82 per cent said they made a formal complaint.
- 6.3.3 A small percentage of type 3 respondents intend to complain about the service they received but have not got around to it yet (3%).

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

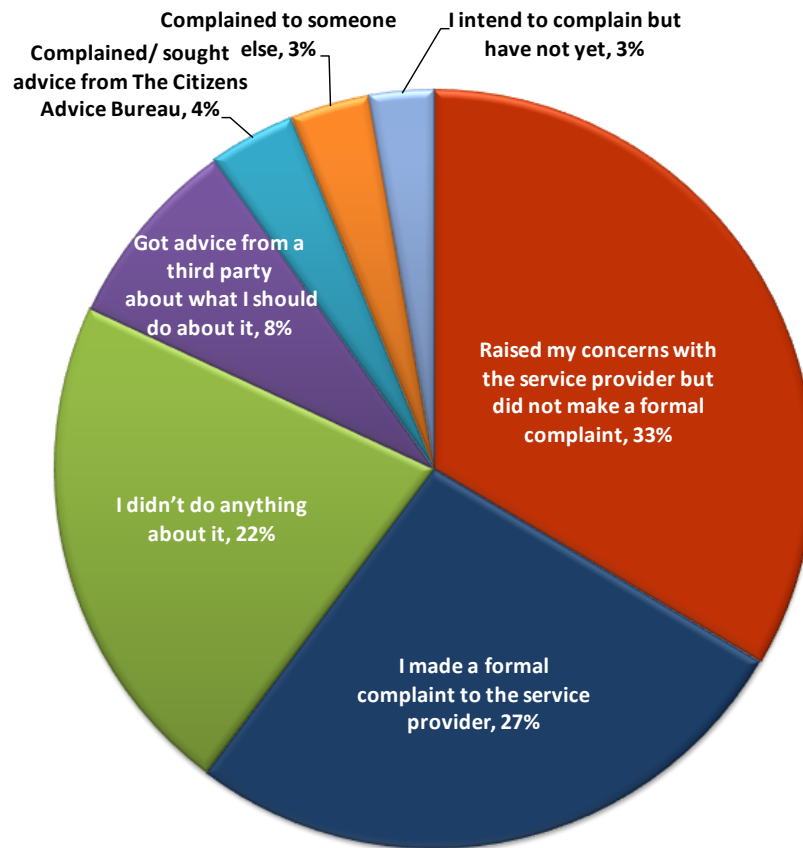
**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier



**Figure 12: Initial response to dissatisfaction**



Base: All who have used legal services in the last 3 years and were dissatisfied (n=1275)

6.3.4 Just over a quarter of respondents (27%) initial response was to make a formal complaint, however 22 per cent did not do anything. When asked why they didn't do anything about it the top three reasons were:

- I didn't think it would be worth it (34%)
- I was so fed up with it that I just let it go (34%)
- I was worried that it would end up costing me more (24%)

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

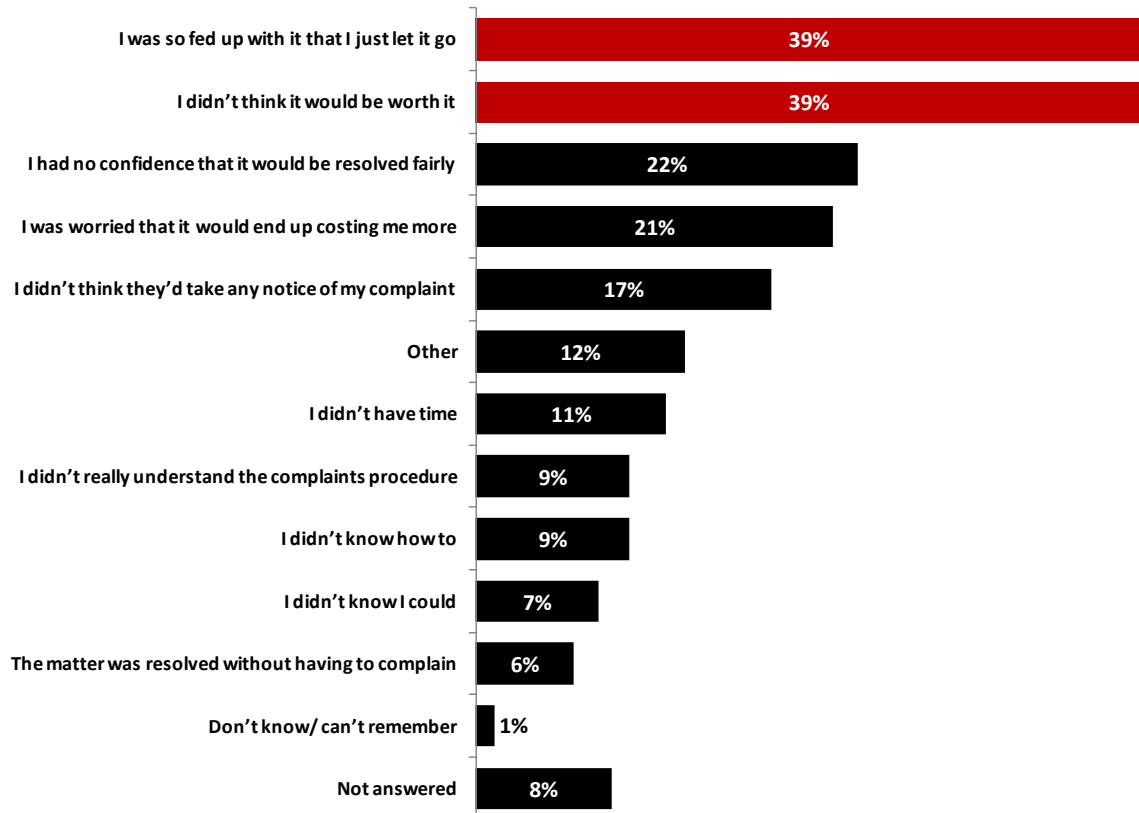
**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

6.3.5 Other reasons mentioned for not taking action consisted of lack of confidence that it would be resolved fairly (23%) and not having the time (12%). For 18 per cent of respondents the matter was resolved without having to complain.

**Figure 13: Reasons for not taking action**



Base: All who have used legal services in the last 3 years and were dissatisfied but didnt do anything (n=277)

6.3.6 Other than cost and time pressure a few respondents were hesitant due to lack of knowledge with one in ten (9%) not really understanding the complaints procedure and six per cent not knowing how to go about it. Despite being a small group, seven per cent did not know that they could complain.

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**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 7 In-house Complaints Procedure

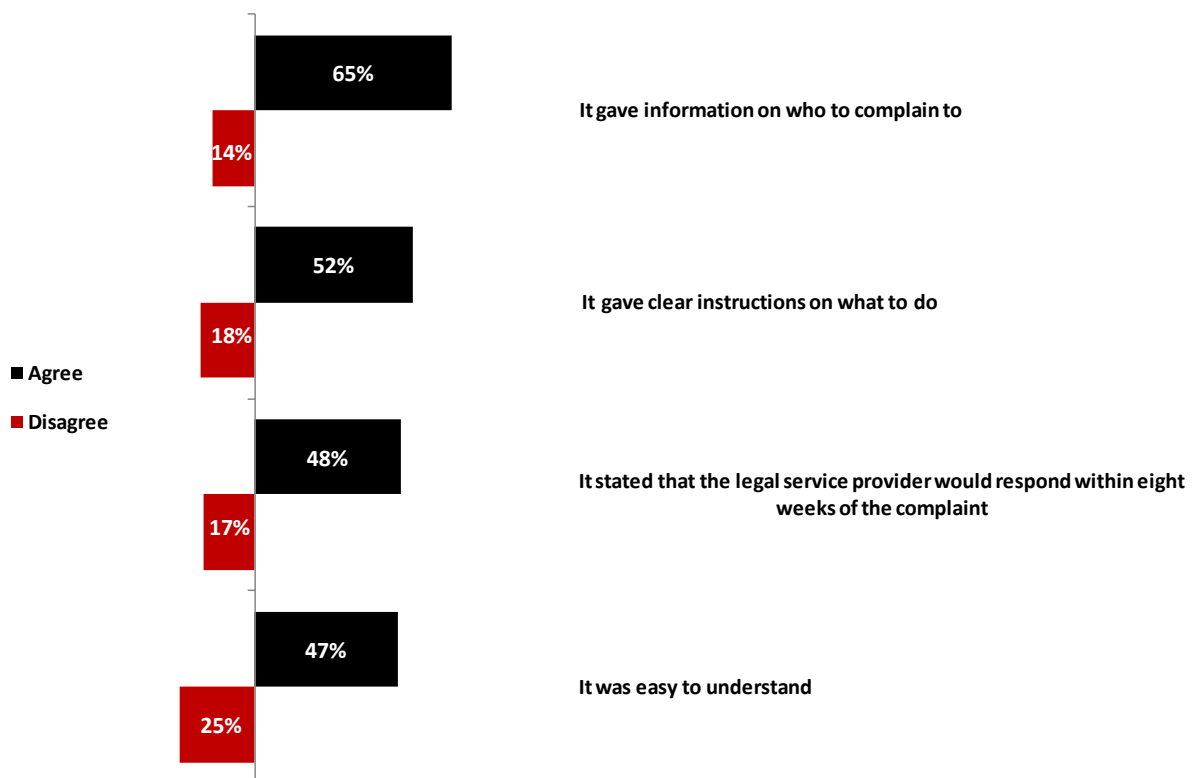
### 7.1 Introduction

7.1.1 This section looks specifically at respondents' experience of the in-house complaints procedure as opposed to client experience with service that led them to complain.

### 7.2 In-house Complaints procedure

7.2.1 Figure 14 shows that most respondents agreed that the information they received from their service provider about the in-house complaints procedure included information about who to complain to (65%) as well as providing clear instructions on what to do (52%).

**Figure 14: An overview of in-house complaints procedures**



**Base:** All who have used legal services in the last 3 years and were dissatisfied and who were told about the in-house complaints procedure at a later time (n=372)

**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

7.2.2 Almost half of respondents found the procedures easy to understand (47%), while a quarter of respondents did not (25%). What is interesting is that use of (legal) language was a re-occurring theme throughout the interviews as being a ‘hindrance’ to the whole process. Many interviewees felt that a great deal of jargon was used and an unnecessary amount of ‘technical speech’. Interviewees were always quick to address that someone of their calibre and in their position is quite able to understand complex language but that ***“legal services providers use a great deal of jargon and complex language which only perpetuates feelings of us and them”*** (Type 5 - dissatisfied first-tier).

7.2.3 Time taken was also a key driver in dissatisfaction, whether this was the time taken to respond to the complaint or purely to get the job done. Overall, 43 per cent of respondents cited time taken as a reason for dissatisfaction. With only 29 per cent being told how long their matter would take at engagement it seems that lack of communications is at the heart of this matter. 48 per cent of complainants agreed that the legal service provider’s in-house complaints procedure stated a timeframe of when they would respond to the complaint, 17 per cent disagreed. This echoes views expressed in the qualitative interviews that if people were told how long the complaints process would take, their expectation would be managed and as a result they would be more satisfied:

***“It was always something was going to happen next week and this went on from December through to, oh, it must have been May, June, somewhere around about there... But you know, it was more than six months.”*** (Type 5 – dissatisfied first-tier)

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 8 First-tier complainants

### 8.1 Introduction

8.1.1 This section provides an overview of who first-tier complainants are and looks at the specifics of their complaints including:

- How they made their complaint;
- What drove them to make a complaint;
- Their experience of the complaints process.

### 8.2 Demographics

8.2.1 Table 3 shows a breakdown of respondents who made a first-tier complaint based on their demographics. It is important to note that the percentages shown are grouped on the following criteria:

- **Respondents who made a formal complaint to the service provider** – this includes all respondents whose initial response to being dissatisfied was to make a formal complaint to the service provider. It also includes those respondents who initially complained to a third party, the Citizens Advice Bureau or someone else and were told to go back and complain to the service provider which they did.
- **Respondents who did not make a formal complaint to the service provider** – this includes the remaining respondents who did not make a formal complaint but took some other course of action (e.g. raising their concerns or intending to complain but have not got around to it etc). It also includes those respondents who complained or sought advice from a third party, the Citizens Advice Bureau or complained to someone else and were told to go back and complain to the service provider but they did not.

8.2.2 There is an indication that respondents, regardless of gender are more likely to not make a formal complaint than they are to make one.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

8.2.3 While white respondents seem more likely to not make a formal complaint (68% compared with 32%), results indicate that this division is not as clear for non white respondents with 46 per cent having made a formal complaint compared with 54 per cent not having made one.

8.2.4 Figures for England and Wales are similar with 33 per cent of respondents in England and 36 per cent of respondents in Wales having made a formal complaint.

**Table 3: Demographics of first-tier complaints respondents**

	Men (n=711)	Women (n=564)	Disability (n=442)	No Disability (n=750)	White (n=1129)	Non White (n=103)	England (n=1210)	Wales (n=64)
<b>Formal Complaint</b>	34%	32%	36%	28%	32%	46%	33%	36%
<b>No Formal Complaint</b>	66%	68%	64%	72%	68%	54%	67%	64%

8.2.5 Among those who made a complaint 18 per cent used a service related to conveyancing, and nine per cent related to probate or accident/ injury claims. Only three per cent of respondents who complained used a legal service related to a business matter.

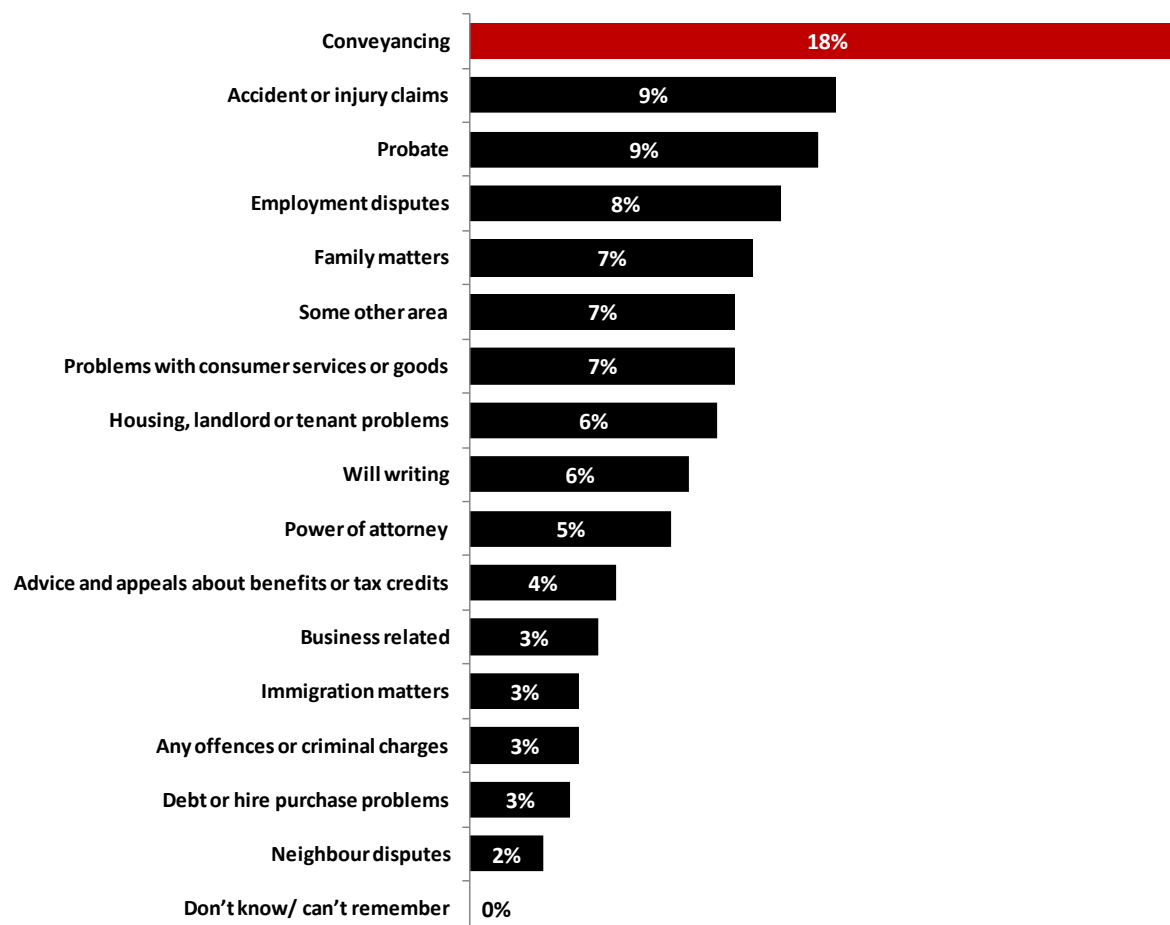
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Figure 15: FTC and areas of law



Base: Legal service users in the last 3 years who were dissatisfied and complained to the service provider (n=425)

8.2.6 The majority of respondents who complained were provided their service by a solicitors firm (62%), followed by licensed conveyancer (4%), notary (4%), trade mark attorney (4%) and law cost draftsman (4%). Three per cent were provided their service by a barristers firm and two per cent by a patent attorney. However, as most respondents used a solicitor to handle their matter, this figure is to be expected.

- A third of respondents (30%) who complained said a solicitor (not a partner) dealt with their case. The corresponding figure for all service users is 33%.
- 29% said a solicitor who is a partner in the firm (corresponding figure for all service users is 28%)

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 11% were advised by a legal assistant (compared with 10% of all service users.)

### 8.3 What drove them to complain?

8.3.1 In addition to identifying the key drivers of dissatisfaction in the quantitative research, the qualitative research also identified other 'non-service related' aspects that drove respondents to complain. A primary driver for making a complaint was a desire for acknowledgement from the legal firm in question that the service they had received was poor/wrong in some way. Interviewees experienced that 'informal' complaints made, were often simply rejected or dismissed without any acknowledgement of error.

8.3.2 Many respondents also spoke of the desire to protect other consumers in the future from going through the same experience with this particular (or any other) law firm which is why they felt they had to complain:

***"I didn't want it to happen to anybody else, and I really wanted the firm to know what she was like at dealing with people" (Type 5 – dissatisfied first-tier)***

8.3.3 Others felt that making a formal complaint was the only way to get the 'job done' and to achieve resolution in an otherwise ongoing/unresolved case. They felt making a complaint could potentially result in a more senior solicitor (partner) getting involved which would help the case progress faster.

### 8.4 Did respondents consider they were charged for making a complaint and how did they complain?

8.4.1 The majority of respondents did not think that they were charged for making a complaint (77%). However 16 per cent were charged and seven per cent are unable to remember.

8.4.2 Type 4 respondents were significantly more likely than type 5 and 6 respondents to think they had been charged for making a complaint (24% compared with 10% and 11% respectively). This was also the case among those respondents with a disability with over a quarter (27%) considered they were charged for making a complaint compared to eight per cent of respondents without a disability.

8.4.3 A third of respondents who used the legal service in relation to a business matter thought they were charged for making a complaint compared with nine per cent who

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used it for a personal matter. Among those respondents who paid for the legal service themselves, the majority (86%) believed they were not charged for making a complaint.

- 8.4.4 The majority of respondents made a written initial complaint (66%) followed by telephone (27%) and in person (22%). What is interesting is that type 4 respondents were significantly more likely than type 5 and 6 respondents to have complained in person (29% compared with 14% and 13% respectively). This may further highlight a need from respondents to be treated as a 'human' and as some mentioned 'having a personal touch'.

## 8.5 What was their overall experience of the first-tier complaints process?

- 8.5.1 Four in ten respondents felt that the complaints were dealt with promptly with clear time scales while a third (30%) disagreed. What is interesting is those who complained post October 2010 were significantly more likely to agree with this than those who complained pre October 2010 (51% compared with 36%).
- 8.5.2 This may provide some initial evidence of an improvement in relation to the complaints handling process within the legal profession.
- 8.5.3 The language and 'jargon' used within the legal profession has come up before as a barrier in general. Figure 16 illustrates respondents' views on in-house complaints handling.
- 8.5.4 Those who complained post October 2010 were significantly more likely to state that:
- The staff handling their matter were properly trained and knew what they were doing (54% compared with 40%)
  - In-house complaints procedure were easy to understand (54% compared with 34%)
  - In-house complaints handling procedures were clear and simple with as few steps as possible (48% compared with 33%).

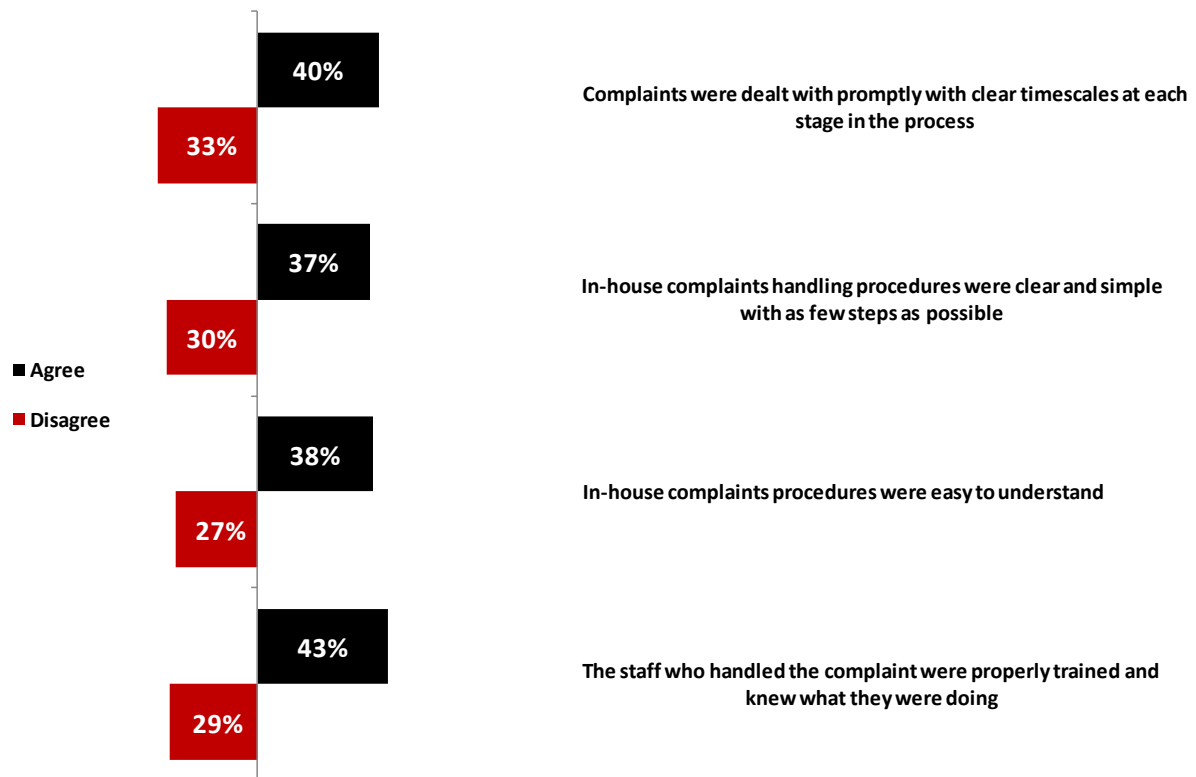
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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**Figure 16: Overview of in-house complaints handling**



**Base:** All who have used legal services in the last 3 years and were dissatisfied and complained to the service provider who responded (n=364)

- 8.5.5 Overall respondents were slightly more likely to be dissatisfied with their experience of the in-house complaints procedure than they were satisfied (40% compared with 37%).
- 8.5.6 The qualitative research found that many interviewees experienced similar issues post-complaint, specifically lack of communication and transparency in how the complaint was being handled. In a few cases they received no acknowledgment or response to the complaint.

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 8.5.7 More importantly, the majority of respondents interviewed considered the legal firm as **defensive** or **dismissive** of the individuals' complaint - these words were used repeatedly throughout the interviews to describe how their complaint was received:

***“After the complaint he became very defensive” (Type 5 – dissatisfied first-tier)***

***“I did notice a coldness is the best word for it” (Type 5 – dissatisfied first-tier)***

***“...well after writing to the head, well he basically didn't want to speak with me.***

***Then I could only get through to the secretary of the practice” (Type 5 – dissatisfied first-tier)***

- 8.5.8 There seemed to be a pervasive perception that the solicitors were ‘*out to look after themselves*’, and not the clients, even where there is a dedicated complaints individual (usually senior partner) within a firm. This meant many interviewees felt resigned to the fact that their complaint would not be investigated fairly and openly.

- 8.5.9 A minority of respondents said that on complaining they were informed of a specific complaints procedure, and given a time table and process that was to be followed:

***“I think they sent me a holding letter setting out a timetable that they were required to follow” (Type 6 – Second-tier)***

- 8.5.10 A minority of interviewees felt that the complaints procedure was as arduous as the legal process; with no one taking any responsibility or action

***“Probably everything they sent me until they actually gave us the money back, it just felt like they were wriggling” (Type 6 – Second-tier)***

- 8.5.11 It is interesting to note that one interviewee who was taken seriously by his firm felt this was because he had irrefutable evidence of their mistake and the firm was very keen to deal with the complaint internally, rather than through an external body. This respondent reported that the firm was 100% committed to his complaint.

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## 9 The LSB's Signposting requirement

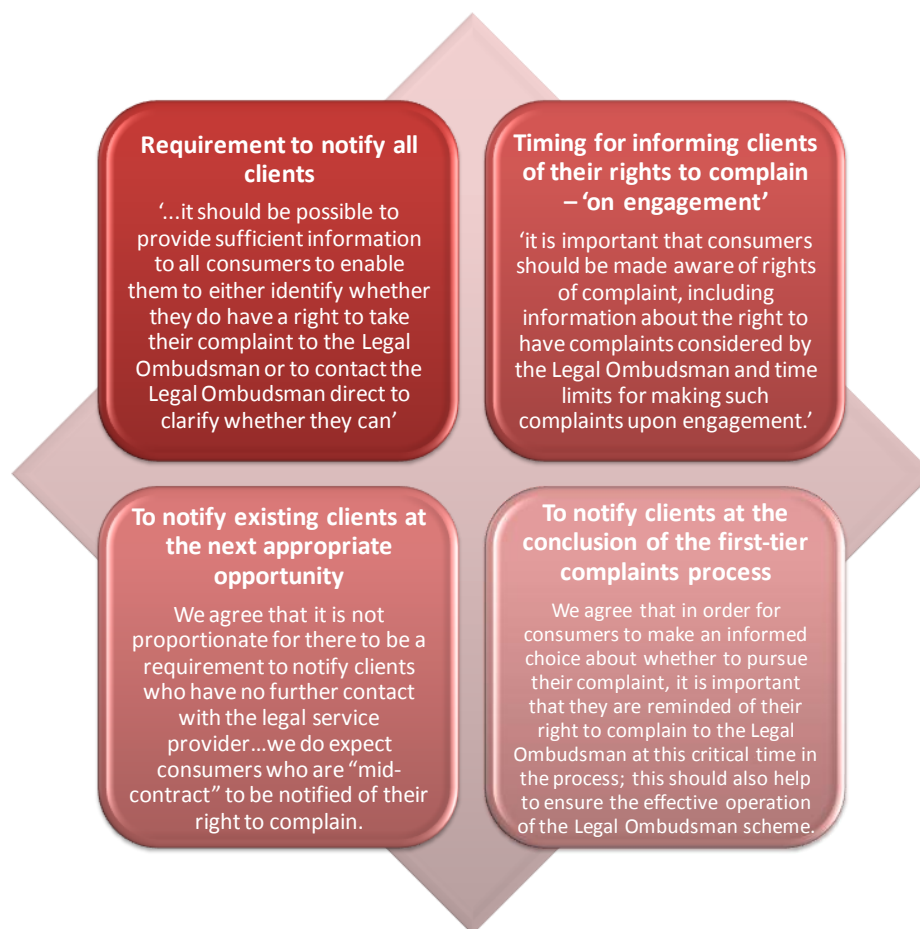
### 9.1 Introduction

9.1.1 This section is an overview of compliance with the LSB's signposting requirements.

### 9.2 Did legal service providers comply with the LSB's Principles?

9.2.1 Figure 17 outlines the LSB's signposting requirements which legal service providers should adhere to. The principles are all formulated around the first-tier complaints process and range from the information that needs to be provided to the consumer through to the timings and which the information should be provided.

**Figure 17: LSB Signposting**



9.2.2 As mentioned earlier these principles were implemented by approved regulators in October 2010, however due to the small number of cases captured in this study being

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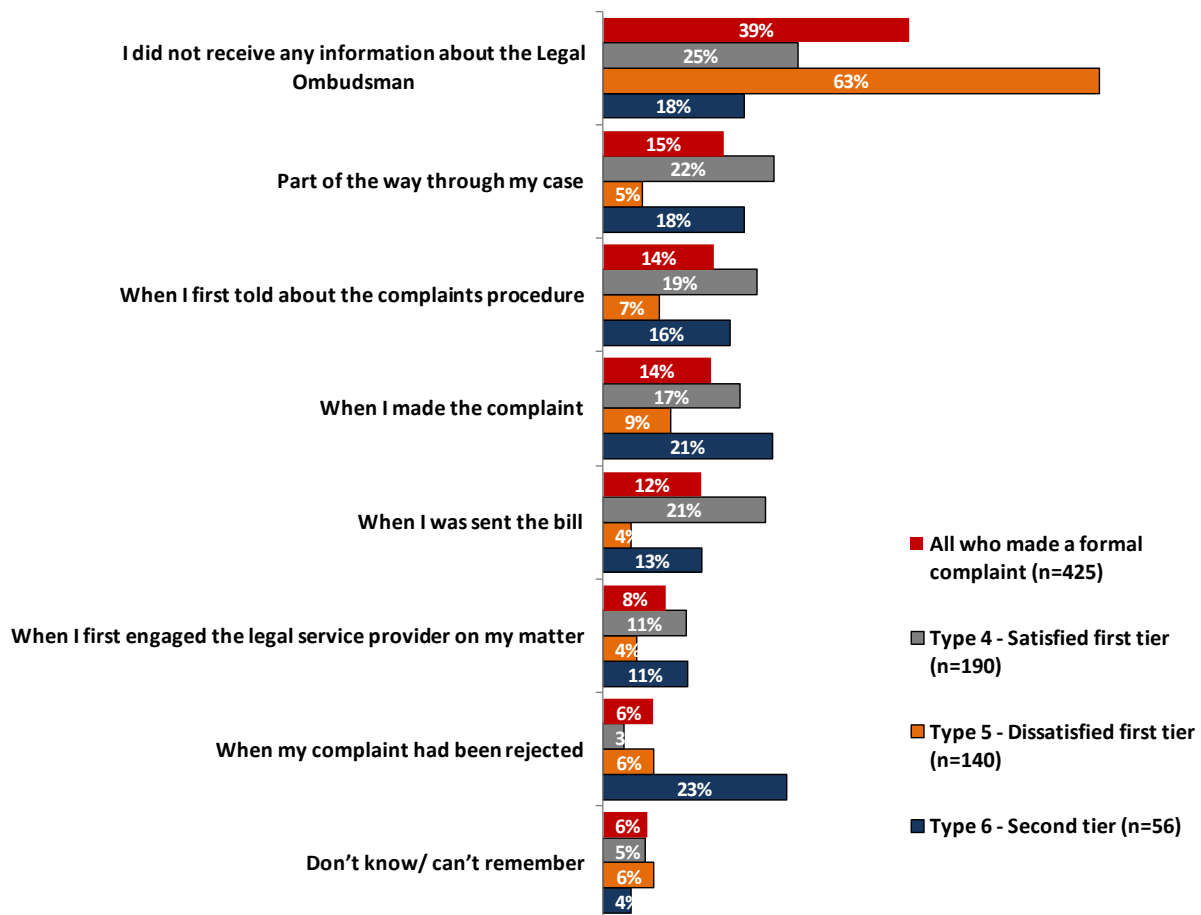
**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

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engaged post October 2010 we are unable to compare knowledge and treatment with cases engaged pre and post October 2010.

- 9.2.3 The part of the requirements **‘to notify all clients’** requires service providers to provide consumers with sufficient information which will either allow them to identify and/ or contact the Legal Ombudsman. What Figure 18 shows is that many respondents did not receive any information about a Legal Ombudsman, in particular type 5 respondents which may explain why they did not progress forward to a second-tier complaint.

**Figure 18: Information on a Legal Ombudsman<sup>2</sup>**



<sup>2</sup> Sample includes respondents who engaged both pre and post October 2010

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 9.2.4 Type 4 respondents were more likely than other to have heard about a Legal Ombudsman when the bill was sent to them while type 6 respondents were more likely to hear about them when they complained.
- 9.2.5 The next part of the requirements concerns the timing for informing clients of their rights to complain – **‘on engagement’** refers to when consumers should be told about their right to make both a first and second-tier complaint (i.e. the in-house complaints procedure and a Legal Ombudsman). A very small percentage of respondents (8%) were actually told about a Legal Ombudsman when they engaged with the provider, in particular type 5 (4%). We know from previous chapters that only 13 per cent of respondents were actually told about the in-house complaints procedures.
- 9.2.6 These results reinforce what the interviewees were saying that there is general uncertainty about who to contact regarding a complaint and even more uncertainty about how to take it to the next stage. One interviewee was asked whether they knew where to go to complain and their response was:

***“No, it was only really what I’d read on blogs. I mean other people who’d had similar situations, but not necessarily in the legal field. I didn’t know at that stage if there was a specific way. You know, sometimes if you contact a housing association you can say to them, ‘What is your complaints procedure?’ and they basically send you a list of, ‘You do this and if that’s not resolved you do that.’ So you go right through to, you know, A to B to C.”*** (Type 5 – dissatisfied first-tier)

- 9.2.7 Nonetheless of those who were provided with information on a Legal Ombudsman:
- 57 per cent of respondents agreed that the information provided by the service provider on a Legal Ombudsman had clear instructions on what to do – 12 per cent disagreed
  - 63 per cent said the provider gave information on who to contact at a Legal Ombudsman and 58 per cent said the eligibility criteria for using a Legal Ombudsman was clearly explained by the provider
- 9.2.8 A further part of the requirements **‘To notify existing clients at the next appropriate opportunity’** refers to obligations on part of the legal service provider to provide clients

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

with information about their right to complain if they have not already (i.e. mid-process). Of those who were not told at engagement, only six percent were informed of the in-house complaints procedure sometime after they engaged but before things started to go wrong and of those who complained, 15 per cent were told about a Legal Ombudsman part way through the case.

- 9.2.9 Finally, the requirements stipulate that legal service providers must **‘notify clients at the conclusion of the first-tier complaints process’** states that legal service providers should inform clients of a Legal Ombudsman once their first-tier complaint has completed. Figure 18 shows that six per cent of respondents were informed of a Legal Ombudsman when their complaint had been rejected.
- 9.2.10 If we look at results across types of respondents, only six per cent of type 5 respondents were informed of a Legal Ombudsman when their complaint had been rejected or not upheld compared with just under a quarter (23%) of type 6 respondents.
- 9.2.11 There seems to be a pattern in that the less information a respondent is provided in regards to their rights to complain, the less likely they seem to be to actually make a complaint.
- 9.2.12 Respondents who were dissatisfied with the outcome of their formal complaint were more likely to have not received information about a Legal Ombudsman than those who were satisfied with the outcome of their formal complaint (56% compared with 25%).

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 10 Outcomes

### 10.1 Introduction

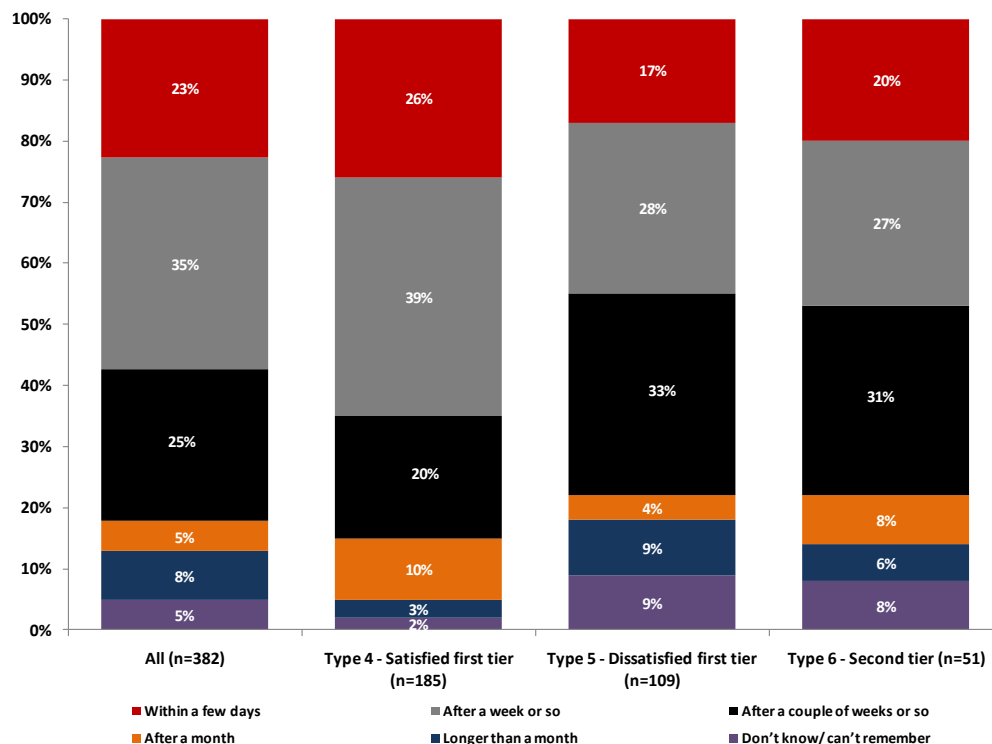
10.1.1 This section explains the outcomes of the complaints made and will look into:

- How long it took for the complaint to be acknowledged
- What happened after the complaint had been submitted
- The decision reached and satisfaction with the in-house complaints procedure

### 10.2 Acknowledgement of first-tier complaint

10.2.1 Despite 90 per cent of respondents' complaints acknowledged, there were still 10 per cent of respondents whose complaint was not, type 5 respondents were far more likely to have had no acknowledgement of their complaints than type 4 and type 6 respondents (22% compared with 3% and 9% respectively).

**Figure 19: Acknowledgement of first-tier complaint**



**Type 3:** dissatisfied with service but did not, or are not planning on, progressing to first-tier complaints.

**Type 4:** dissatisfied with service, progress to first-tier complaints and satisfied with outcome.

**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

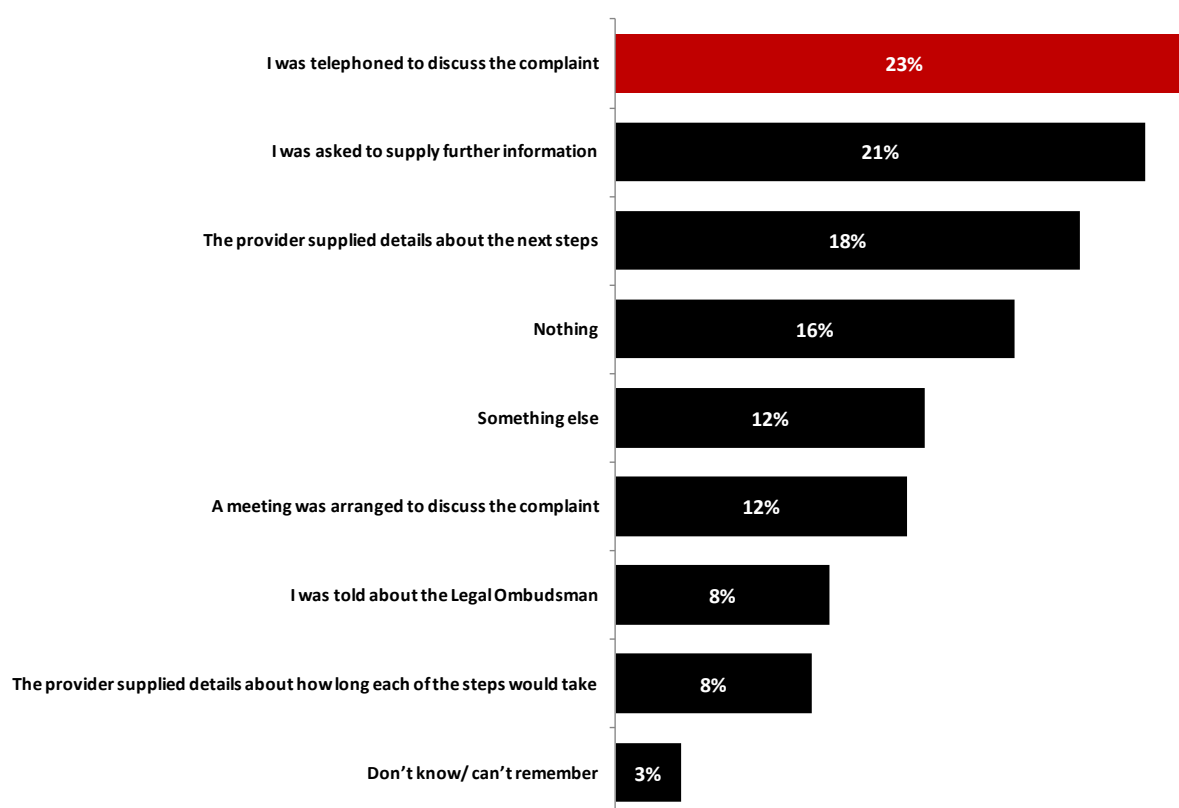
**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier



10.2.2 Among type 5 respondents who received acknowledgement, 17 per cent said it was acknowledged within a few days, 28 per cent said after a week but one in ten (9%) said it took longer than a month.

10.2.3 If we now compare this to type 4 respondents who complained and were satisfied with their outcome only three per cent had to wait longer than a month while two thirds (65%) received some acknowledgement within a week or so or less. This suggests that acknowledgement may have a role in client satisfaction with the complaints process.

**Figure 20: Post submission action**



**Base:** Legal service user in the last 3 years who were dissatisfied and complained to the service provider (n=425)

10.2.4 After making a first-tier complaint a quarter of respondents (23%) were telephoned to discuss their complaint. Type 4 respondents were significantly more likely than type 5 and 6 respondents to have been telephoned. Figure 20 also shows that one in five

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(21%) were asked to supply further information and for 16 per cent nothing happened after submitting their complaint.

10.2.5 Type 5 respondents were significantly less likely to have been asked to provide further information than type 4 and 6 respondents. This may indicate that a perceived lack of interest on behalf of the service provider is a further driver of type 5 respondents' not taking the complaint further.

10.2.6 Just over one in ten said a meeting was arranged to discuss the complaint. Respondents who had complained post October 2010 were significantly more likely to have said this than those who complained pre October 2010 (18% compared with 10%).

10.2.7 Over a quarter (27%) of type 6 respondents were told about a Legal Ombudsman after submitting their complaint compared with six per cent of type 4 and four per cent of type 5 respondents. This echoes the earlier findings in that the more knowledge respondents have about the complaints process the more likely they are to follow through the whole complaints process (i.e. first-tier and second-tier complaints) and the more satisfied they are with the outcome.

### 10.3 What was the outcome of the first-tier complaint?

10.3.1 For the majority of respondents the complaint was upheld whether this was fully (31%) or partially (30%). For one in five (21%) the complaint was rejected and for 14 per cent of respondents the provider did not respond.

10.3.2 Among those whose complaint was rejected, the majority (69%) said the provider gave clear reasons why it had rejected their complaint to some or a large extent. However for a third of respondents (31%) no explanation was provided at all.

10.3.3 As mentioned earlier it was clear from the qualitative research that reasons for complaining were not solely down to cost. It really came down to principle in that a service was not provided to the standard that it should have been and respondents wanted either an apology or recognition that a mistake had been made:

**'... it's not about the cost it was more about how I was treated and how the service provided to me was appalling. An apology would have made the whole process**

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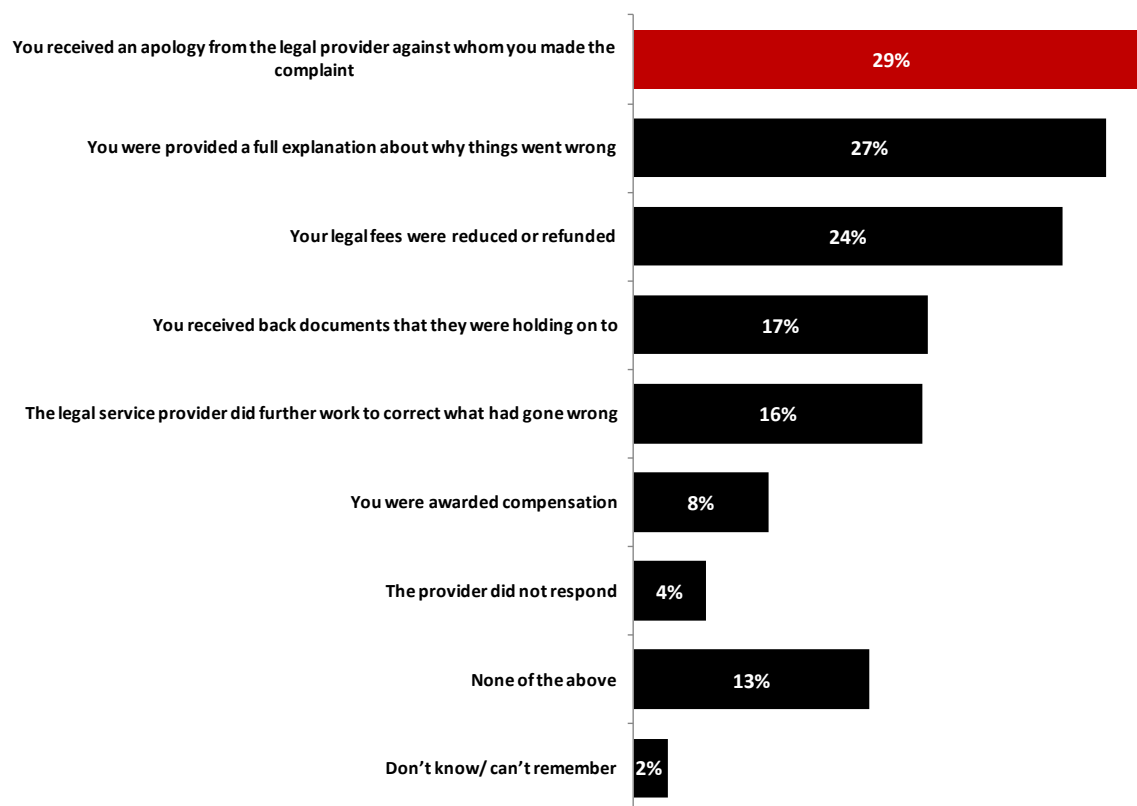
**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

**better and some recognition on their part that they had done a poor job would have been nice...’ (Type 6 – second-tier)**

10.3.4 Just under a third (29%) of respondents actually received the ‘apology they were looking for’ and only 27 per cent were provided with a full explanation about why things went wrong.

**Figure 21: Post complaint**



**Base: All who have used legal services in the last 3 years and were dissatisfied and complained to the service provider who responded (n=364)**

10.3.5 Figure 21 shows that a quarter had their legal fees reduced or refunded and 17 per cent received back documents that the provider was holding on to. A small percentage (8%) were awarded a compensation and four per cent of respondents said the provider did not respond.

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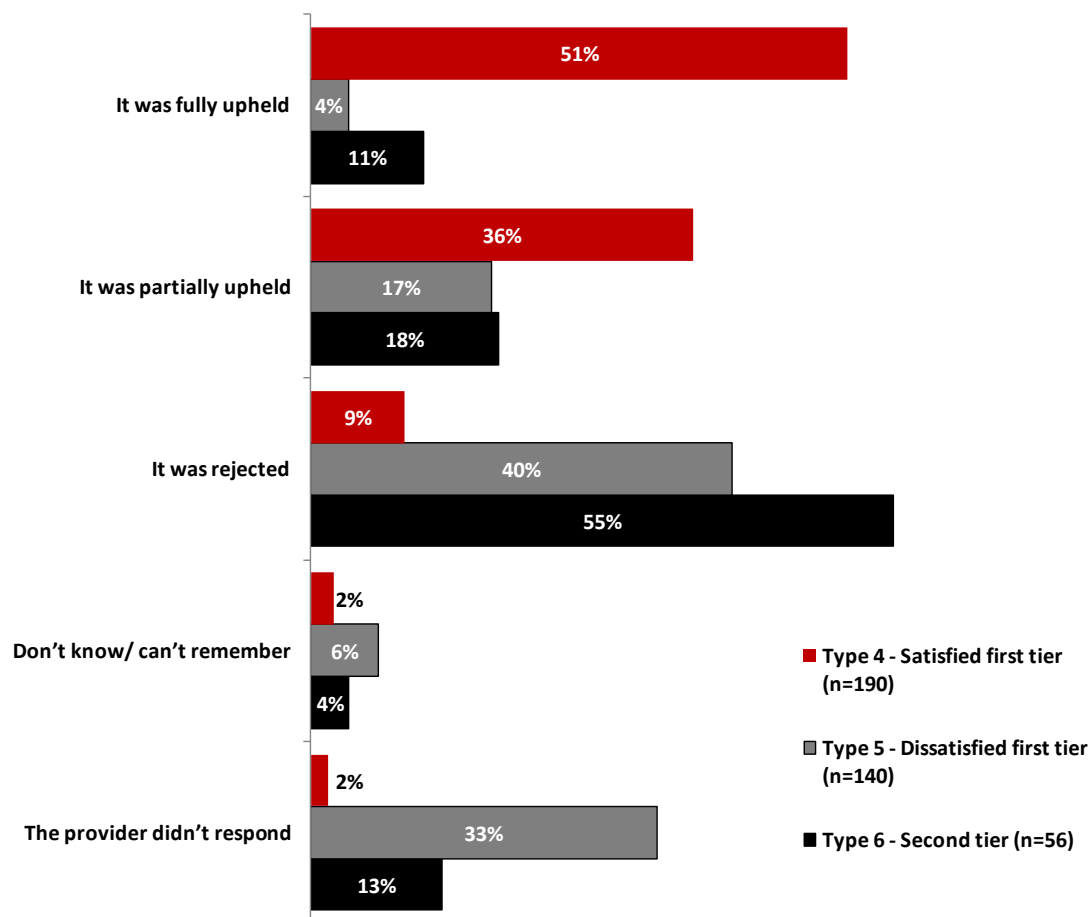
**Type 5:** dissatisfied with service, progress to first tier, remain dissatisfied but did not, and are not planning on, progressing to second tier complaints

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## 10.4 Why did type 5 respondents not pursue the complaint further?

10.4.1 We are now able to shed some further light on why type 5 respondents were dissatisfied with their outcome - a third of type 5 respondents said the provider did not respond after their complaint had been submitted compared with two per cent of type 4 respondents and 13 per cent of type 6 respondents. Forty per cent of type 5 respondents said their complaint was rejected compared with nine per cent of type 4 respondents.

**Figure 22: Decision reached about complaint**



10.4.2 While 55 per cent of type 6 respondents had their complaint rejected, they were more likely to have been informed of a Legal Ombudsman which explains why they were more likely to move to a second-tier complaint.

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10.4.3 The qualitative research also examined why type 5 respondents did not pursue the complaint further and below are some of the primary reasons why:

- Belief that it would not be resolved in their favour, making it a high risk and high effort action, without any guaranteed outcome. The 'us and them' mentality was frequently mentioned here, that even the Law Society or an Ombudsman was not seen to be entirely on the side of the consumer (with the assumption that the legal profession is unregulated and unaccountable)
- Previous poor experience of dealing with an Ombudsman was a factor preventing one respondent from progressing their complaint
- Despite the poor service and dissatisfaction of the service and complaints procedure; once the objective of the case had been achieved and the work had been completed, some felt they had little reason to continue with their complaint.

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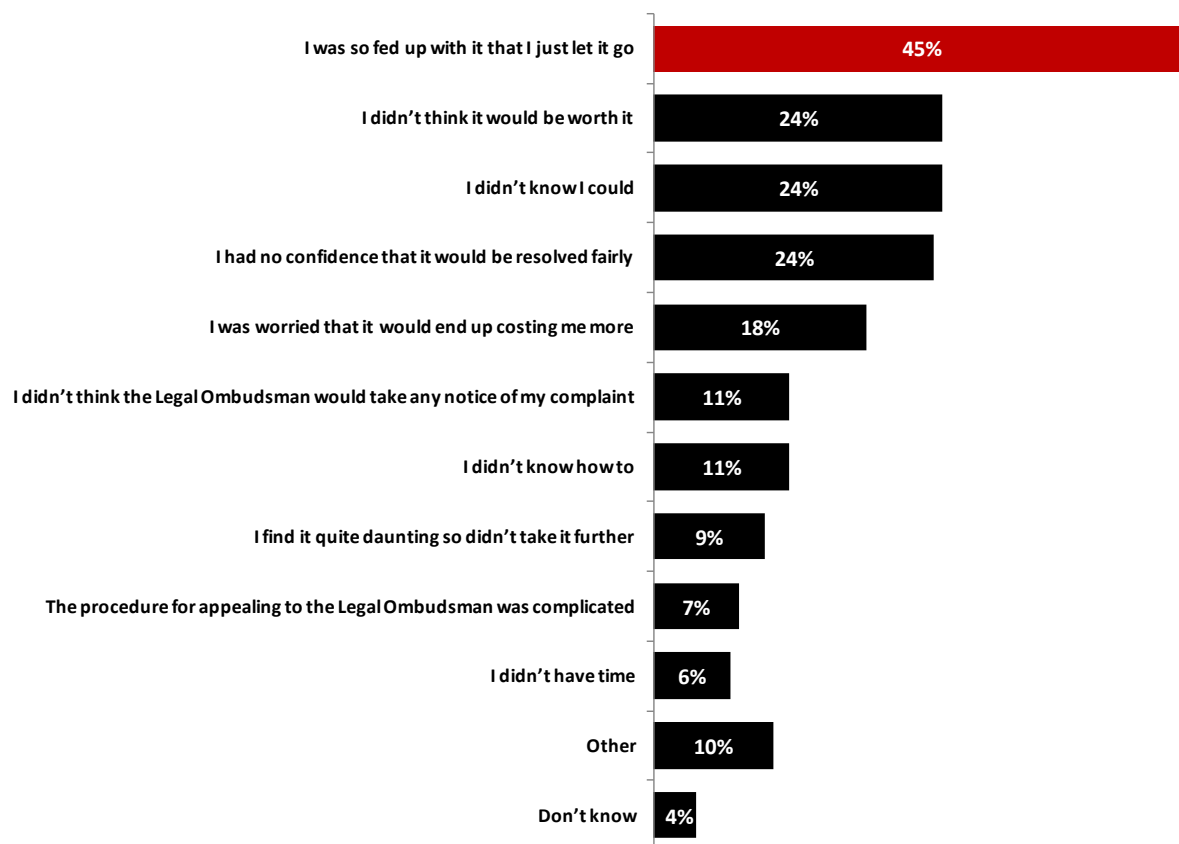
**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

## 11 Second-tier complaints

### 11.1 Reasons for not making a second-tier complaint

11.1.1 Seven in ten respondents whose complaint was either rejected or who were not satisfied with their outcome did not take their complaint to the second stage. For many it was a case of being so fed up with the whole procedure that they just wanted to let it go (45%).

Figure 23: Reasons for not making a second-tier complaint



Base: All who have used legal services in the last 3 years and were dissatisfied who didn't complain to the Legal Ombudsman (n=140)

11.1.2 Many interviewees felt that they were so exhausted and emotionally drained that they would not have had the emotional energy to pursue the complaint any further – ***“I think the main reason was health reasons. All I wanted to do was get it over. These things are very emotive”*** (Type 5 – dissatisfied first-tier)

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**Type 6:** dissatisfied with service, progress to first tier, remain dissatisfied and progress to second tier

- 11.1.3 Just under a quarter of respondents felt it would not be worth pursuing to the next level (24%) or just did not know how to go about it (24%).
- 11.1.4 Lack of confidence was also a key reason for not moving forward with 24 per cent of respondents lacking confidence that it would be resolved properly. When probed in the interview why they felt this way. The overarching belief was that it would not be resolved in their favour, making it a high risk and high effort action, without any guaranteed outcome. The 'us and them' mentality was frequently mentioned here and it was felt by the interviewees that even bodies such as the Law Society or an Ombudsman were not entirely on the side of the consumer.
- 11.1.5 Despite the poor service and dissatisfaction with the service and complaints procedure; once the objective of the case had been achieved and the work had been completed, some felt they had little reason to continue with their complaint. Essentially, some simply wanted acknowledgement of the poor service provided and an apology. However once the service was completed it seemed too many interviewees felt that their complaint was not worth pursuing.

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## 12 Conclusion

### 12.1 Overview

- 12.1.1 The report has analysed the first-tier complaints handling procedure as it operates in practice. It only considered the views of consumers of legal services who had been dissatisfied in some way with the service they had received. It is clear from the report that there is a gap between what is expected to happen and what actually does happen.
- 12.1.2 Consumers use legal services for a number of different reasons and previous research has shown that by and large they obtain good service. However, problems can arise (as with any service) and there is a need for an effective complaints resolution procedure. This is particularly true for legal services as they cover so many particularly sensitive and important aspects of life such as conveyancing, criminal charges, neighbourhood disputes and family matters).
- 12.1.3 The research shows that the majority of people pay for legal services themselves or with the help of family and friends. Dissatisfaction is, therefore, keenly felt and people will want redress when things go wrong. However, one of the key messages from the research is that people can only make a complaint if they are fully aware that they have a right to make a complaint, they understand how to make it, they know who to make the complaint to and when they should make it. It is worth, therefore, discussing what the research tells us about each of these issues.

### 12.2 Do people know they have a right to complain?

- 12.2.1 The answer to this is that most people are not aware of their rights of complaint. The survey shows that only about one in seven recall being informed of their right to make a complaint at the time they engage their provider.
- 12.2.2 The signposting requirements are designed to give people maximum information early in the process. This is clearly not happening. There is an argument that states that since the regulations have only been in force since October 2010 then compliance will take time to build up as service providers become more aware of the requirement. However, the signs are not encouraging. The survey offers no emerging evidence that consumers

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who engaged their legal service provider after October 2010 are more likely to be told of their right to make a complaint.

- 12.2.3 On a more positive note the majority of dissatisfied service users get to be informed of their right to complain at some point along the process. Often this is because they have asked or done their own research into the issue.

### 12.3 Do people understand how to complain?

- 12.3.1 When consumers receive information on the complaints procedure they do find this information helpful. Most encouragingly the majority state that it gave them all the information they needed to complain. Over half stated that it gave clear instructions on what to do.
- 12.3.2 While there are these positives the research identifies room for improvement. Fewer than half said that the information they received set out a timeline for dealing with their complaint. Again fewer than half said it was easy to understand and indeed one in four said it was difficult. One of the key issues here is the use of language. Many respondents felt that the procedures were written in legal jargon that is alien to everyday language. This creates barriers and a feeling that the procedures are inaccessible. It should be stressed that this is not a feeling across all service users - more recent service users (post October 2010) are much more positive about the procedure – even so there is a significant proportion who believe that more can be done in this area to make the procedure more user friendly.

### 12.4 Do people know to whom to make a complaint?

- 12.4.1 The research shows that there is a great deal of confusion about who to contact over a complaint but that some people ‘muddle’ their way through, being told eventually by the provider or finding out for themselves. The situation with regard to second-tier complaints is even more confused. Very few consumers in the survey recalled being told of a Legal Ombudsman once their first tier complaint had been rejected. Others were told part way through their case or when they were sent the bill.

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