



# **Consumer experiences of complaint handling in the legal services market – first-tier complainants**

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## **Legal Ombudsman**

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**Full Report  
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**LEGAL** OMBUDSMAN

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## 1 Executive Summary

### 1.1 Context

- 1.1.1 This report was commissioned in order to investigate the attitudes and experiences of first-tier complainants within the legal services domain, and to understand what typifies both good and bad complaints processes. This report builds on themes identified in the YouGov 'First-tier Complaints Handling' report from June 2011 conducted on behalf of the Legal Services Board. For this project, YouGov conducted 30 telephone depth interviews, each lasting between 25 and 50 minutes each. The individuals were recruited from YouGov's panel of respondents via an online screening questionnaire. All our participants had made a complaint to their legal service provider, and all related to providers working in England and Wales.
- 1.1.2 The sample was split by level of satisfaction, with 15 interviewees broadly satisfied with their complaints procedure, and 15 dissatisfied. However, those who were broadly satisfied still felt that there was the possibility to improve aspects of the procedure, and relatively few of our interviews were completely satisfied with their complaint journey from start to end. As such, throughout the report we will outline elements of best practice and highlight specific cases of good complaint handling, where at least one step in the process was considered highly satisfactory by the complainant.

### 1.2 Key findings

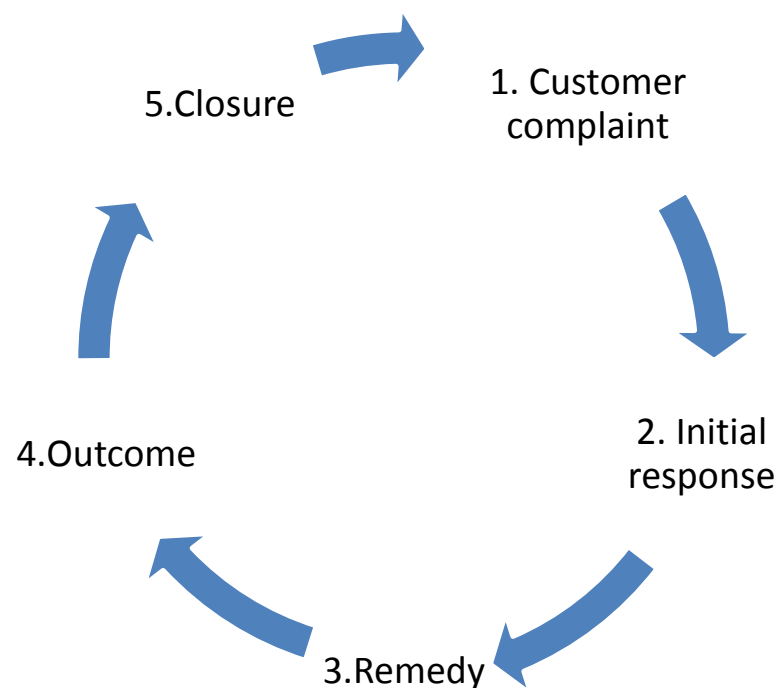
- 1.2.1 The most common reasons why customers chose to make a complaint were *delays*, *costs*, *failure to follow instructions* and *failure to keep informed*, and in some cases there were multiple reasons for the complaint. The reasons for the initial complaint can deter customers from complaining as they are concerned that these issues will be exacerbated during the complaints process itself (as found in the June 2011 report). **The first step to good complaint handling is where the core issue of the complaint is addressed in the complaint handling initial response – e.g. a complaint about delay should be dealt with in a swift way, a complainant concerned about cost should be reassured that the complaints process would not cost.**
- 1.2.2 Examples where the complaints process has functioned well, and even improved the customer's impressions of the legal service begin where the provider effectively tackled

the nature of the complaint in their initial response. These are typified by a speedy response to the initial complaint, a clear outline of the procedure to be followed, where necessary the involvement of another legal services provider within the firm to act if instruction had not been followed. **Responding in a way that is appropriate to the nature of the complaint was the first key issue in the satisfaction of the process.**

- 1.2.3 The initial process of complaining varies – with many participants making a softer rather than a formal complaint as the first step of the process. There are a number of reasons for ‘softer’ complaints – typically not wanting to interfere with the case, concern about how to complain and uncertainty about ‘challenging’ a lawyer in a formal or official complaint process. Many were concerned that an official complaint would be counterproductive to their case. **In examples of good practice, legal companies picked up on these cues and gave customers clear direction and acknowledgement that a complaint had been made and signposted what to do next.**
- 1.2.4 In instances where ‘cost’ or ‘delay’ were mentioned the reason for complaint was often poor communication between the legal provider and the customer. In this instance, formal resolution through official channels may not be desired or needed – an improvement in communication and an acknowledgement of issues was the desired response and **good communication between provider and customer from the outset could alleviate some of these issues without a complaint being made (e.g. always providing literature upfront, clearly outlining costs and timing expectations).** In more complex cases – such as those concerning ‘failure to follow instructions’ a more formal process was required, and **recognition and clear signposting through to an official process was needed at the first stage of complaint.**
- 1.2.5 Crucially, the complaints process is almost always secondary to the effective resolution of the original legal case, in the eyes of the complainant. Many of our interviewees would (and did) sacrifice full resolution to their complaint if it increased their chances of a swift and satisfactory result in the initial legal case. Certain individuals ‘dropped’ their complaint once the case was resolved, because they had achieved their primary objective – and the secondary objective of completing a formal complaint became far

less important. Others felt that the ‘emotional effort’ of maintaining a complaint once the case had closed was too much and too uncertain in outcome. **In these instances customers felt that the matter was closed but not necessarily satisfactorily resolved, and better support and clarity around the complaints process could help overcome this concern.**

1.2.6 We split our analysis of these complaints according to the complaint journey – detailed in the diagram below.



**Figure 1: The first tier complaint journey.**

1.2.7 The initial stage of the complaints process can be varied and uncertain in the minds of the complainant. It is not always clear at what point expressing dissatisfaction with the service provided becomes a complaint, and individuals use quite different methods and means to complain. **At this stage best practice tends to be where the legal services provider pick up on softer issues and respond clearly and decisively, not leaving the onus up to the participant to ‘push through’ to next stage without guidance or**

**acknowledgement. In addition a response in-tune with the complaint is also valued – for example those who submit a detailed complaint expect a detailed and considered reply.**

- 1.2.8 The most decisive part of the complaint journey is identified as the initial response by the legal service provider to the first complaint by the customer. This response dictates the tone for the rest of the complaint process, and there are four key components complainants are looking for in this response: **appropriateness of response for the type of complaint, speed of response; clarity of language and information; full details of the complaints process (if required); and a tone that is neutral and unemotional.**
- 1.2.9 Many complainants do not move to a formal remedy or closure point, even if they do not feel the process has been fully closed and resolved. A number of complainants ‘dropped’ their complaints at some point during the process, (again) because they are concerned that pursuing the complaint will harm their chances of a successful resolution to the original legal case. Moreover, there is often a general sense that – given their legal expertise – pursuing a complaint against a legal services provider would be particularly difficult to resolve successfully. However, in best practice examples, complainants greatly appreciate the involvement of another solicitor from the same legal service provider, as they provide knowledgeable expertise that is more independent. In addition, most were interested in some acknowledgement or recognition that their complaint had been taken seriously and acted on accordingly. **At this final stage, best practice experience involved acknowledgement of the complaint and in the best examples an apology for the situation.**
- 1.2.10 9 of the 30 interviews had taken their issue at first stage through to the Legal Ombudsman’s complaints process in order to resolve the case. In each of these cases, the complainant was highly satisfied with the response, and several credited the Legal Ombudsman with resolving their complaint. Others simply registered their complaint with their legal services provider, and their issue was resolved without any further action. Despite the differences in experience there are a number of clear best practice guidelines that cut across the examples and can be used to shape guidance for legal providers in dealing with complaints more effectively and importantly consistently.

1.2.11 In a number of interviews, the complaints process was conducted in such a professional, swift, and effective manner that it actually improved the complainant's impression of the legal service provider – demonstrating that even when a complaint is made its resolution can exceed expectations and lead to positive recommendation of the legal provider in the future. Five examples of best practice case studies are included in the report.

### **1.3 Comparisons with other professions**

1.3.1 We compared the process of complaining to a legal service provider to other complaints processes they had been through with other professions. Given their lack of experience with other professions, most interviewees drew comparisons with consumer services (such as mobile phone, energy providers and clothing). These comparisons were largely negative for legal service providers, largely because the complainant felt they had greater knowledge and expertise on what was acceptable in these circumstances. There was also a more general sense that legal services provider were less amenable to complaints than these consumer industries.

1.3.2 Even those who described themselves as confident complainers ('I'm no shrinking violet') would describe themselves as feeling intimidated or disempowered when complaining to a legal services provider. The significance of this is that it makes those who are thinking about complaining, or are even at the first stages of a complaints process, reluctant to follow through with their complaint.

1.3.3 However, based on experience across other sectors there were high expectations complainants have of their legal service provider in responding to complaints. The expectations around a response within 48 hours, an apology or admission of culpability, and even the clarity of the process seem linked to complainants' experiences in consumer complaints – and these expectations follow into legal services.

### **1.4 Understanding of the profession**

1.4.1 This was a qualitative project, and as such, the small sample sizes prevent us from drawing firm conclusions from the socio-demographic data associated with our participants. Moreover, from our interviews, it is clear that the nature of the legal service being provided and the reason for the complaint are key in this regard (although certain factors such as age will influence the type of legal service used). However, another



important factor was the individuals' familiarity with the legal service as a whole. Often (but not always), those more familiar with the legal service (through professional or personal experience and connections) would be more adept at the complaints process.

- 1.4.2 This was demonstrated by those who elevated their concerns to the Legal Ombudsman, who generally had greater experience of working with legal services provider, or had 'lawyer friends'. This greater familiarity with the legal profession appears to increase their likelihood to pursue their complaint further and contact the Legal Ombudsman if necessary.

## **1.5 Barriers Across the Process**

- 1.5.1 There are several perceived barriers that manifest themselves at many or indeed every stage of the complaints process, depending on the individual, and these are explored below.

### ***Cost***

- 1.5.2 Some interviewees were concerned that they would be charged for making a complaint. Particularly in the case of postal letters and phone calls, specific individuals were concerned that this correspondence would be added to their bill – which was particularly concerning for those whose complaint revolved around cost. In some cases the customer is frustrated that the legal services provider appears (in our interviewee's view) to be seeking credit for not charging for responding to her complaint. In some instances, the concern over cost arises from poor communication of fees from the outset.

### ***Delays***

- 1.5.3 A serious concern for many interviewees was that registering their complaint formally at this stage would delay progress on their on-going legal case. Particularly where the complaint itself revolved around concerns over the time taken (and particularly costs incurred), participants were concerned that elevating their complaint to a formal process would exacerbate these issues rather than resolving them. As identified in the previous work from 2011, concerns over further delays was a significant factor in preventing individuals from complaining initially. Our interviews show that this concern is persistent and active even after an initial complaint has been made.

***Uncertainty on who to complain to, and how to start the process***

- 1.5.4 The most obvious lack of knowledge and awareness concerned to whom the complaint should be directed within the legal services provider. Many interviewees would simply complain to the legal services provider they had been dealing with up until this point, which often resulted in a series of consequent issues. These issues are explored in the next section, but the most significant is that complainants are reluctant to complain to the legal services provider they are dealing with because they are concerned it will delay their case, or worse, prejudice the legal services provider involved against them – negatively affecting the service they provide. As such, many complainants are put off from fully articulating their concerns, or from doing so early in the process – and this is where they may turn to softer cues in order to ‘hint’ that they are dissatisfied.
- 1.5.5 Relevantly, those who chose to involve another legal services provider – either instead of, or as well as the legal services provider dealing with their case – almost invariably had a better opinion of the complaints process as they could seek advice and were less fearful of the outcome of the process. This will be explored later in the report.

***Emotional strain of the case***

- 1.5.6 The emotional state of the complainant would also influence what information they included. On certain occasions, the more emotionally stressed the complainant, the less detail they would provide – often leading to further distress. This was particularly true of cases where the complaint was made near to the deadline for the close of the case (a court date, or submission date). However, it should also be noted that some of the most extensive and detailed complaints came from those under the greatest duress – who made a very detailed complaint of the process.
- 1.5.7 The emotional strain complainants are under regarding the details of their case is compounded by the concern and even intimidation many customers feel when deciding to make a complaint. This intimidation was noted in the June 2011 work as one reason why people would choose not to complain at all, but it is worth noting that this does not end once a complaint has been registered, rather it persists (for some). Many of our interviewees spoke about the trepidation they felt making the initial complaint, and this affected how they approached the complaints process.

***Concerns over the original legal case***

- 1.5.8 Many complainants do not move to a formal remedy or closure point, even if they do not feel the process has been fully closed and resolved. A number of complainants ‘dropped’ their complaints at some point during the process, (again) because they are concerned that pursuing the complaint will harm their chances of a successful resolution to the original legal case. Moreover, there is often a general sense that – given their legal expertise – pursuing a complaint against a legal services provider would be particularly difficult to resolve successfully. However, in best practice examples, complainants greatly appreciate the involvement of another legal services provider from the same legal service provider, as they provide knowledgeable expertise that is more independent. In addition, most were interested in some acknowledgement or recognition that their complaint had been taken seriously and acted on accordingly.

**1.6 Best Practice Across the process**

- 1.6.1 Although the specifics depend on the stage of the process, there are several key themes that resonate with participants in terms of best practice for handling a complaint.

***Understand the reason for complaint and respond accordingly***

- 1.6.2 Good practice takes into consideration the type of complaint that is being made – complaints about delay for example are best served with immediate action, complaints about cost are best resolved with clarity around costing. There is not a ‘one response’ process and some cases do not require a formal complaints procedure

***Do not put the onus on the complainant to drive the complaint forward***

- 1.6.3 Spot the signs and softer cues that a customer is making a complaint and respond decisively. Do not ask the customer what they want to do next, provide a map of options highlighting both formal and informal complaint processes (if appropriate) but always highlighting the fact that there is a procedure in place and an action plan to follow

***Respond in a way that reflects the tone of the customer***

- 1.6.4 Ensure that the effort the customer puts into the complaint is at least recognised and matched in the process. For example, in the cases of a long and detailed complaint process, ensure that this is recognised in a detailed response

***Timely response to customer communications***

- 1.6.5 Speed in responding to and then dealing with the complaint is seen to be the most effective way of ensuring the best chance of a complainant being satisfied with the complaints process. When the response from the legal service provider was swift (within 48 hours), this was noted and viewed favourably by the complainant.

***Clear and comprehensible language, and an appropriate tone***

- 1.6.6 Clarity in communications (particularly the first response to the initial complaint) is absolutely vital in setting the expectations of the complainant – and therefore producing a considered and effective complaints procedure. Moreover, the tone that accompanies that communication must be appropriate, and where possible, not emotive or provoking emotion from the complainant. Customers generally desired clear and neutral tone.

***Clarity on the process of complaining, and its implications***

- 1.6.7 Complainants are often completely uninformed about the complaints process. This lack of knowledge includes what costs are associated with making a complaint, as well as the impact on their existing legal case.
- 1.6.8 The implications of the process should be spelled out in terms of cost, time, and crucially what impact (if any) the complaint will have on the existing legal case. A named contact also reassures the complainant. This early and clear explication would alleviate a number of the most serious concerns complainants have about formalising their dissatisfaction with the legal service they have received.

***Involve another solicitor early in the process***

- 1.6.9 Involving another legal services provider from within the same firm in moderating the complaint was welcomed by the interviewees we spoke to who had experienced this. For those who required it, the introduction of another legal services provider provided expert

and (more) independent advice and counsel – which invariably helped to improve the complaints procedure

***Reassure the complainant about their original legal case***

- 1.6.10 As identified throughout the report, the concern that raising a formal complaint will prejudice or disrupt their existing complaint is a source of serious concern for the complainant. Several of the examples of best practice identified above would help to alleviate this, as the concern often arises through a lack of clear, timely communication or a lack of understanding of the process. However, it is also important to reassure the complainant that this process is not the ‘end’ of the legal support, and to clearly explain what if any impact it will have on their existing case.

## 2 Introduction and Methodology

- 2.1.1 This report builds upon previous research undertaken by YouGov on 'First-tier Complaints Handling' published in June 2011 and conducted on behalf of the Legal Services Board. This research looked at the behaviour of dissatisfied users of legal services and how they experienced the complaints handling process.
- 2.1.2 The Legal Ombudsman and The Legal Services Consumer Panel have now commissioned YouGov to undertake a further study to explore the First Tier Complaint Handling Process experienced by consumers. A first-tier complaint is one that is made to the law firm by the consumer. The Legal Ombudsman schedule of rules stipulates that the legal provider must be given eight weeks to consider and respond to the complaint before the consumer can progress their complaint to the Legal Ombudsman.
- 2.1.3 A second-tier complaint is one that is referred onto the Legal Ombudsman having already been through the law firm. This report explores First-Tier complaints to understand the consumer experience of complaining and to identify factors that make up 'best practice' in complaint handling.
- 2.1.4 For this project, YouGov conducted 30 telephone depth interviews, each lasting between 25 and 50 minutes each. The individuals were recruited from YouGov's panel of respondents via an online screening questionnaire. All our participants had made a complaint to their legal service provider, and all related to providers working in England and Wales.
- 2.1.5 It is important to note that the case studies and examples provided in this report were not provided by the Legal Ombudsman, and have been provided independently by YouGov research participants. There is no attempt in the report to examine whether the complaint was reasonable and the report does not seek to make a judgement on whether a case was justified or not. The objective of the report is to set out different examples of a customer journey through the complaint making process and to understand the experience and practice from a customer perspective.
- 2.1.6 The discussion guide used for the interviews was developed in close consultation with the Legal Ombudsman team, and was designed to focus the interview on the process of

complaining, rather than the reason for the complaint. The interview focussed on the complaints journey the individual went through and the steps taken to handle the relevant issues, only relating to the case itself where relevant. Again, it was not the role of the interview to establish or seek whether there was evidence of poor service or whether the complaint was justified.

- 2.1.7 The second part of the research project involved an investigation as to why people make Premature Complaints - a complaint to the Legal Ombudsman without first making a formal complaint to their legal services provider or waiting for the eight week period for a legal services provider to respond to elapse. The findings from this part of the research are covered in a separate report.
- 2.1.8 The scope of the research covered a range of legal services that consumers had accessed. Law firms provided the majority of these services and these organisations are mainly the focus of this research.

### 3 Sample Profile

3.1.1 The table below outlines the composition of the sample of 30 interviews, with details of the reason for the complaint, the nature of the original case, and key information about the individual involved.

3.1.2 In summary, 15 of our complainants were broadly satisfied with the complaints process, and 15 were dissatisfied. In terms of the reasons for their complaint, these tended to overlap and covered multiple areas: 20 related to delays; 12 to failure to follow instructions; 9 to costs; and 6 to a failure to keep informed. 9 of our interviewees took their complaint on to the Legal Ombudsman. The cases themselves ranged from commercial and employment law to litigations and personal injury cases. In addition there were 5 wills and probate cases, and 5 conveyancing cases.

3.1.3 The table below outlines the composition of the sample of 30 interviews, with details of the reason for the complaint, the nature of the original case, and key information about the individual involved.

<u>First Name</u>	<u>Age</u>	<u>Location</u>	<u>Type of case</u>	<u>Reason for complaint</u>	<u>Contact the LO?</u>	<u>Satisfied or dissatisfied ?</u>
Andrew	27	South East	Conveyancing	Delay; Failure to follow instructions; Costs	No	Satisfied
Angela	53	North West	Employment Law	Costs (costs excessive and costs deficient)	No	Dissatisfied
Barry	81	South West	Conveyancing	Costs (costs excessive and costs deficient)	No	Dissatisfied
Beverley	42	East Midlands	Family Law	Failure to get the result they wanted	No	Dissatisfied
Chris	28	Yorkshire	Conveyancing	Delay	No	Dissatisfied
Clifford	50	East of England	Conveyancing	Delay; Failure to follow instructions; Failure to progress	Yes	Satisfied
Clive	69	South East	Property e.g. Neighbour disputes	Delay; Costs (costs excessive and costs deficient)	No	Satisfied



David	35	East of England	Wills & Probate	Delay; Failure to keep informed	No	Dissatisfied
Diane	59	South East	Power of attorney	Delay; Costs (costs excessive and costs deficient); Failure to follow instructions	No	Satisfied
Emelie	29	London	Immigration and Asylum	Conduct; Data protection; Delay; Failure to keep papers safe; Failure to follow instructions	No	Dissatisfied
Jacqueline	41	Yorkshire	Property e.g. Neighbour disputes	Delay; Failure to follow instructions	No	Dissatisfied
James	59	East Midlands	Employment Law	Delay	No	Satisfied
John	66	West Midlands	Litigation	Delay	Yes	Satisfied
Jon	57	South East	Conveyancing	Delay; Failure to keep informed	No	Dissatisfied
Leigh	67	South East	Property e.g. Neighbour disputes	Delay	Yes	Dissatisfied
Louise	47	London	Litigation	Delay; Failure to follow instructions; Failure to keep informed	Yes	Satisfied
Malcolm	66	Yorkshire	Wills & Probate	Cost (costs excessive and costs deficient)	Yes	Satisfied
Mike	51	East of England	Family Law	Costs (costs excessive and costs deficient); Delay	No	Satisfied
Paul	34	East of England	Consumer Law	Failure to follow instructions	No	Satisfied
Renate	60	East of England	Personal Injury	Delay; Failure to get the result they wanted	Yes	Dissatisfied
Rhian	27	South West	Crime	Failure to follow instructions; Failure to keep informed	Yes	Dissatisfied
Richard	43	London	Employment Law	Delay; Failure to advise; Failure to keep informed	No	Satisfied
Robert	56	Midlands and Wales	Commercial Law	Delay; Failure to follow instructions	No	Dissatisfied

Robert	53	East Midlands	Wills & Probate	Failure to follow instructions	No	Satisfied
Samantha - Louise	25	South East	Personal Injury	Delay	No	Satisfied
Stuart	39	South East	Wills & Probate	Cost (costs excessive and costs deficient)	No	Satisfied
Suresh	26	London	Employment Law	Delay; Failure to follow instructions	Yes	Dissatisfied
Susan	64	North West	Wills & Probate	Conduct; Failure to follow instructions	No	Dissatisfied
Theresa	57	North West	Commercial Law	Costs (costs excessive and costs deficient)	Yes	Dissatisfied
Thomas	30	South East	Personal Injury	Delay; Failure to keep informed	No (but considered)	Satisfied

**Figure 2 Details of interviewees**

## **4 Phase 1 : Consumer complaint**

### **4.1 Introduction**

4.1.1 The variety of legal cases and individual circumstances explained in the previous section is reflected in the variety of ways in which customers chose to register their dissatisfaction and complain to their legal services provider.

### **4.2 Attitudes and expectations**

4.2.1 Often, complainants will begin to voice their displeasure with softer language and methods, which fall short of a full or formalised complaint.

4.2.2 The reasons for this 'softer' approach were as follows:

- Not wanting to slow or disrupt the process
- Uncertainty on how to complain
- Anxiousness about turning their legal service provider against them
- Politeness and wanting to keep things informal and friendly (particularly in smaller/family practices)

4.2.3 However, in general this 'softer' approach often failed to resolve the situation, or indeed to produce a response from the legal service provider. It was then left to the complainant to elevate their complaint to a more serious level. One of the first issues in the journey is the failure of many providers to pick up and deal with the softer complaint, effectively resolving the issue before a more formal process is required.

### **4.3 Methods of registering dissatisfaction, or a formal complaint with the legal service provider**

4.3.1 Four primary methods of complaining to the legal service provider were regularly used: email; postal letter; face to face meeting; telephone call. Each of these methods was generally used for specific reasons and circumstances of the complainant – and indeed, each of the methods helped to set the tone of the complaint, appropriate for the type of complaint they were making.

4.3.2 The dominant form of communication that the customer and legal service provider had used to communicate the details of the case itself would often be the 'default' method for

the customer to complain. As such, existing behaviours and relationships had a crucial role in determining the nature of the complaints process.

- 4.3.3 In softer and less formal situations, little detail was often provided in making the initial complain. This is most often in cases where the complaint is registered by telephone, and where the legal case to which the complaint refers is close to resolution. This creates a sense of urgency on the part of the complainant, who is looking to deal with the issue at hand in a swift manner, rather than enter into a formal complaints procedure. At this stage, some wished to avoid a more formal process that may slow up or detract from their case.

**Figure 3 : Pros and Cons of each method of complaint**

Email	Often used where the complaint is urgent, or a contact person is lacking
<ul style="list-style-type: none"> <li>• Is extremely fast</li> <li>• Can be addressed to multiple individuals to aid speed of response</li> <li>• Allows complainant to keep a record of correspondence</li> <li>• But no guarantee of a timely reply</li> </ul>	
Postal Letter	Often used where the relationship is impersonal, or the complaint is seen to be serious
<ul style="list-style-type: none"> <li>• Carries most gravitas and seen to be the most formal approach</li> <li>• Allows complainant to keep a record of correspondence</li> <li>• Too formal for many cases, leading to a necessary escalation of the case</li> <li>• Some are concerned the cost of replying would add to the bill</li> </ul>	
Face to face meeting	Often used where the relationship is longstanding and trusted
<ul style="list-style-type: none"> <li>• Most convivial and relaxed</li> <li>• Seen as most likely to reconcile the differences and avoid the need for a formal process</li> <li>• Limited record of conversation, and/or promises made by provider</li> <li>• Can be slow and seen to waste time, as well as potentially awkward</li> </ul>	
Telephone calls	Often used where the relationship is informal, or a contact person is lacking
<ul style="list-style-type: none"> <li>• A quick way to register dissatisfaction, which is less formal and 'softer'</li> <li>• Allows some room for reconciliation immediately</li> <li>• Easily ignored or deferred by the legal service provider</li> <li>• No record of conversation, and/or promises made by provider</li> </ul>	

4.3.4 The preferred method of complaining also depended on the nature of the customer's relationship with the legal service provider prior to the legal case. For example, some interviewees had longstanding, personal relationships with their legal service provider. Where this less formal relationship existed, the complaint would often be registered via face to face meetings, as there was less perceived need for a formal record of the complaint. Where the relationship with the legal service provider was new or distant, email would often be used (particularly where the complainant was unsure who to address their complaint too).

#### 4.4 Formal complaint:

- 4.4.1 When a complainant decides to make the complaint more formal – through a detailed letter or email (or once the legal service provider has elevated the process to a formal complaint), the level of effort and documentation involved increases significantly. A number of complainants talked us through – in some detail – how they registered their complaint formally and the effort they went to in constructing their case.
- 4.4.2 In the most detailed scenarios, complainants would include information relating to both their case and the reason for their complaint – including key dates, notes of previous conversations with the legal service provider involved, and reference to primary documentation they had received. Examples given to us by various interviewees are appended to this report.
- 4.4.3 A key insight from this stage was the different definitions various interviewees gave to the term ‘complaint’, and particularly what would constitute a formal complaint. Each interviewee used the term ‘complaint’ at some point in their interaction with their legal service provider, but whereas some were quick to use the term ‘complaint’ when registering their displeasure with an aspect of the service, others would shy away from using the term, at least initially.

***“I’d like to do it informally first you know, just to sort of see to give them time, because we can all make mistakes... but I think you know once you’ve tried a few times trying to get hold of them then I think either writing or emailing or doing it more formally is a better way.”***

**Satisfied** – Delay, Failure to follow instructions, Failure to progress

**“The more formal it gets with them, the less you’re likely to ever get anywhere, because they’ll win at that. They’ll always win at that. It’s what they do day in and day out.”** Dissatisfied – Failure to get the result they wanted

**“I probably used the words, ‘I want to complain about the service.’ So without saying, ‘I am putting in an official complaint,’ it was, ‘Yes, I am complaining about what has happened.’”** Dissatisfied - Delay

## 4.5 Barriers

4.5.1 There are several barriers that manifest themselves at this initial stage of the complaints process, and these are explored below.

### *Cost:*

4.5.2 Some interviewees were concerned that they would be charged for making a complaint. Particularly in the case of postal letters and phone calls, specific individuals were concerned that this correspondence would be added to their bill – which was particularly concerning for those whose complaint revolved around cost. The example below quotes one interviewee, who received a note from her legal service provider in reply to a complaint she had made. In this case the customer is frustrated that the legal service provider appears (in the interviewee’s view) to be seeking credit for not charging for responding to her complaint. In some instances, the concern over cost arises from poor communication of fees from the outset.

*Quoting legal services provider's letter, replying to her complaint] "If we can now resolve this matter and have the costs paid as invoiced,' which was about £10,000 at that point, 'then I will write off that further time as a gesture of goodwill. I have also not charged for the recent work done on the file and my time in addressing your concerns in the letter.' I was outraged that she was going to charge me to reply to a complaint!... on my mind was the fact that every time I wrote back to her and said, 'Actually, I don't agree with it,' she was then going to charge me to write back to me again and reply about my complaint."*

Dissatisfied – Failure to get the result they wanted

***Delays:***

- 4.5.3 A serious concern for many interviewees was that registering their complaint formally at this stage would delay progress on their on-going legal case. Particularly where the complaint itself revolved around concerns over the time taken (and particularly costs incurred), participants were concerned that elevating their complaint to a formal process would exacerbate these issues rather than resolving them. As identified in the LSB report, concerns over further delays was a significant factor in preventing individuals from complaining initially. Our interviews show that this concern is persistent and active even after an initial complaint has been made.

Uncertainty on who to complain to, and how to start the process:



- 4.5.4 The most obvious lack of knowledge and awareness concerned to whom the complaint should be directed within the law firm. Many interviewees would simply complain to the legal services provider they had been dealing with up until this point, which often resulted in a further series of issues. These issues are explored in the next section, but the most significant is that complainants are reluctant to complain to the legal services provider they are dealing with because they are concerned it will delay their case, or worse, prejudice the legal services provider involved against them – negatively affecting the service they provide. As such, many complainants are put off from fully articulating their concerns, or from doing so early in the process – and this is where they may turn to softer cues in order to ‘hint’ that they are dissatisfied.

***“I thought, ‘If I do anything about this it might mean further delays. I haven’t got any more money to pay somebody else to sue these people.’ It was too overwhelming so I thought I’d leave it at that point... I was so anxious about it. I thought ‘Things have gone wrong, I don’t want to make things worse and delay things further by getting involved in a complaint.’ Dissatisfied – Delay, Failure to follow instructions***

*Emotional strain of the case:*

- 4.5.5 Many of our interviewees communicated to us the emotional strain that the legal process placed them under. The emotional strain complainants are under regarding the details of their case is compounded by the concern many consumers feel when deciding to make a complaint. Importantly, complainants are primarily concerned with resolving to their satisfaction the legal case they are pursuing, rather than ensuring their complaint is resolved. Therefore, the complaint process itself is secondary in their minds *at that stage* and they are in a frame of mind that is not conducive to entering into (what they believe) will be a long, drawn-out process.

***“You need to have a good relationship with your legal services provider, because you know the chances of trying to sue a legal services provider are very slim. So, we were in a very weak position.” Delays, Costs***

***“You don’t really say, ‘Leave it,’ to a legal services provider. You know, we worried about what they could do. You know, they could probably blacklist us, or damage our credit worthiness or anything like that.” Satisfied - Cost***

***“I think if I’d had the money and that wasn’t what I was so stressed about I probably would’ve taken it further... but I think at the time I was worried that if I complained it would’ve held things up even more.” Satisfied - Delay***

- 4.5.6 Many of the interviewees spoke about the trepidation they felt making the initial complaint, and this affected how they approached the complaints process. This sense of intimidation was noted in the LSB research work as one reason why people would choose not to complain at all, but it is worth noting that this does not end once a complaint has been registered, rather it persists (for some). Interviewees spoke about feeling in a weak position in relation to their legal service provider, even that their legal service provider could have them blacklisted, and that just assumed that what they were being told was correct.

- 4.5.7 This combination of emotional stress and trepidation means that many complainants are sensitive when they begin the complaints process, with individuals describing themselves as ‘mentally exhausted’ and a desire to ‘keep the stress levels down to an absolute minimum’. They are also primarily concerned with resolving to their satisfaction the legal case they are pursuing, rather than ensuring their complaint is resolved. Therefore, the complaint process itself is secondary in their minds *at that stage* and they are in a frame of mind that is not conducive to entering into (what they believe) will be a long, drawn-out process.

**“Having fought with my ex-husband for three years, I wasn’t going to fight with a legal services provider and a barrister for another two.”**  
**Dissatisfied – Failure to get the result they wanted**

#### 4.6 Why did these issues become complaints?

- 4.6.1 Before moving on to look at the legal service providers’ responses to these complaints, it is worth considering whether some of these examples should have reached the stage of complaints at all. Although from the complainant’s perspective, some of the examples reflected errors on the part of the legal service provider, many were simply a result of inadequate or poor communication between the customer and the legal service provider. In other words, many of these complaints could have been prevented by a more effective customer management process.
- 4.6.2 In terms of the customer journey, where there are issues such as financial liabilities or general incompetence which have a significant impact on the consumer it is understandable that these may turn into complaints. However, particularly with costs and time-delay issues, a more systemic failure was apparent in the way that legal practices managed relationships with customers. If the legal service providers or legal practices

had guidance on how to manage relationships with their customers and how to use communication in an effective way then a number of these complaints may not have arisen in the first place.

- 4.6.3 In particular, complainants were seeking (albeit implicitly) realistic and honest timetables from their legal service provider in order that they set expectations about the services they are buying. Also, some respondents indicated that the lack of communication can be a further source of irritation in the complaints process. Building in effective and regular communication into a customer relationship along with setting clear expectations of the work plan could go some way to ensuring that consumers feel as though they have a greater understanding of the complaints process.

## **5 Phase 2 : Initial response from the legal service provider**

### **5.1 Introduction**

- 5.1.1 This section explores the interviewees' experiences of the response their complaint triggered, and draws general conclusions from these experiences.
- 5.1.2 There were a few examples (in satisfied cases) where the legal service provider's response was both timely, clear and tonally appropriate, and left the customer with a positive impression of the complaints process. These examples were typified by the speed and clarity of the response, as well as an acceptance of culpability for errors by the legal service provider (and often an apology), and these examples are also explored in this section.

### **5.2 Attitudes and expectations**

- 5.2.1 From the perspective of the complainant, there is general uncertainty about what to expect in terms of a response from their legal service provider and how this will be communicated. It is also worth noting that there is a fairly common perception from complainants that the response would be complicated, confusing and intimidating. Any response that did not reflect this tended to exceed complainants' expectations and set the tone for a positive procedure.
- 5.2.2 The form of the response frequently mirrored the form in which the complaint was made, so where a complaint was received in written letter form, the response would be in letter form. The exceptions to this would be where the complainant specifically requested a phone call in response. In general, customers expect that the form of response should mirror their complaint in detail and consideration. Those who received a two line email in response to a detailed letter were concerned that their complaint had not been heard and taken seriously.
- 5.2.3 In reality, the nature of the response to the initial complaint varied enormously. It is perhaps this point that most starkly reveals the wide variance in complaints handling procedures employed by the legal service providers involved in these cases. They fall into three general categories:

- **Immediate action** – immediate action by legal service provider to tackle the cause of the complainant and remedy the situation;
- **Defence** – a response that suggested a rejection of the grounds for the complaint, along with (what was perceived to be) intimidating language and tone;
- **Progression** – an explanation of the organisation’s complaints process, and the next steps if the complainant wishes to take the matter further

### **‘Immediate action’**

- 5.2.4 Although relatively rare in the interviews, some cases produced immediate and clear action by the legal service provider (and often an apology), a commitment to resolve the issues and an offer of compensation. This response was most relevant to those that were making a complaint around specific and tangible issues such as cost and delay.
- 5.2.5 Unsurprisingly, the response which mirrored the source of the complaint (e.g. delays = responding immediately) was received extremely positively by the complainant’s involved. Where this occurred, most were happy with the outcome without the need to move to a formal process

***“I think the call notes that she’d reviewed clearly showed that they were in the wrong, which is why she was keen to resolve it, and resolve it to everyone’s satisfaction and get it closed down and out the way.” Satisfied – Failure to follow instructions***

5.2.6 However, a quick offer of financial compensation may not always precede the desired case outcome, particularly where the case may be complicated or the reason for the complaint was around issues such as failure to follow instructions or failure to keep papers safe. For example, one respondent felt they had put much of the 'leg work' into arranging a Court Protection Order. When they complained, the legal service provider immediately admitted their failings and refunded their money, however, the respondent was left to handle the case for themselves. In other instances, participants felt that they were offered a small financial compensation to stop them progressing with a complaint – almost as a means of making the problem disappear.

***“I spoke to her when I said to her, you know, ‘I do feel that I’ve done all the work here and I’d like to just take it over myself and have the £400 refunded,’ she immediately went and spoke to the legal services provider and came back and said, ‘That’s not a problem. We can do that for you.’ They didn’t argue. They didn’t try to talk me into staying with them. They immediately held their hands up. I got the impression that a lot of legal services providers, just don’t like doing these Court Protection Orders for some reason. I really don’t know why.”*** Delay, Costs, Failure to follow instructions

5.2.7 In addition, when the response did not reflect the reason for the complaint immediate outcome – particularly if financial compensation was offered customers could feel “dismissed” by the legal provider. This is particularly the case if they are complaining about case handling or malpractice not a cost related issue.

**'Defence'**

- 5.2.8 The most dissatisfied participants tend to be where the response was perceived to be threatening and confrontational to their complaints as a means of defending their action. The following is a clear example of where the complainant believes the legal service provider to have responded in a threatening manner.

***“He then says that, ‘If you feel aggrieved at the news of this email, if you feel aggrieved at the service you’ve received so far, amongst other things, to their retainer, so I do not believe that the legal services provider can continue to act for your client, has lost confidence in him. I await to hear from you as a matter of urgency.’ This was about 24 hours before we were supposed to complete on this purchase, so effectively he was threatening to withdraw his services the day before I’m due to complete. That was really the first email communication that I’d ever had from the company, was a threatening letter from a senior partner.”*** Dissatisfied – Delay, Failure to keep informed

- 5.2.9 The case below is a further example of what is perceived to be a threatening response from the legal service provider, in which the closeness of deadlines relating to the original legal case was used by the legal service provider (in the view of the complainant) to pressure him. In some instances it is the perceived underlying threat that the legal service provider will not continue with the case that causes most concern.



***“This was sent to me about 48 hours before completion was due to take place on my flat purchase. The senior partner who sent the email later told me in a telephone call that he was “not threatening (me)”!”***

***Letter from legal services provider “...but I am afraid that having reviewed the file I am unable to see that this firm has not acted perfectly properly, promptly and expeditiously.***

***If you feel otherwise and, upon reflection and upon reading this letter, still feel that this firm has not acted expeditiously, I would ask you to please make an appointment to speak with me as soon as you can as it may be necessary to consider, if you feel aggrieved at the service that you have received so far, amongst other things, the cessation of our retainer as I do not believe that a Legal services provider can continue to act for a client who has lost confidence in him.***

### **‘Progression’**

- 5.2.10 In (well received) cases, the legal service provider responded by explaining how this complaint would be dealt with, and provided details of the next steps in that process. Although the specifics of this response varied, the general approach was similar – by providing details of the next steps and asking the complainant whether or not they wished to proceed with this formal complaints process.
- 5.2.11 Some legal service providers approached their response to the complaint in an even-handed but explicitly detailed way. This was welcomed by the complainant, both in terms of the detail and clarity in the response, and also the tone – which was deemed appropriate by the complainant.

***“I remember he told me where to contact. He actually wrote to me after I went in to see him about this. He wrote to me with the details of the website and the phone numbers etc. so that I knew how to initiate the complaint.” Delay, Failure to follow instructions***

***“I await to hear from you as a matter of urgency.” Dissatisfied – Delay, Failure to keep informed***

### 5.3 Barriers

- 5.3.1 The examples above, particularly the examples of defensive responses, provide evidence of the kind of barriers that some complainants encountered in moving their complaint forward with the legal provider. Crucially, it is the language used in the response that creates the most significant barriers, either because it is difficult for the complainant to understand, or because it is seen to convey an intimidating tone.
- 5.3.2 As described in the previous section, the language used by legal service providers can be interpreted as confrontational and threatening. This extends beyond the language used, and into the nature of the response – particularly where the legal service provider offers to suspend the service they are offering, thereby halting their legal support. This combination of the language used, and the intent conveyed was viewed as threatening by some complainants.
- 5.3.3 Exacerbating this is the difficulty many complainants have comprehending the precise details of much of this communication. There were many references in the interviews to ‘legal jargon’ – “the complaints process is 2 pages of legalese” – and this provoked one

of two responses. Some became angry, and persistently asked for clarification. However, the more common response was to feel intimidated by the language, and acquiesce to the legal service provider's requests (often dropping the complaint).

***“I got in touch with them and said, ‘Look, I don’t understand this.’ The legal services provider phoned and we had a short-ish conversation as to what the ramifications were, and then lo-and-behold a few days’ later another bill comes through entitled, ‘Explanation of legal terms.’ I was thinking, ‘Hang on a second, I’m paying for your new holiday, or your new Jaguar, or something, yet you’re actually charging me to give me the information which I need for you to complete the divorce on my behalf.’” Satisfied – Costs, Delays***

- 5.3.4 Beyond the language that is used, there is also a sense from some interviewees that the complaint is not treated seriously. A ‘chat’ with a senior partner is not sufficient for many complainants, particularly if it is not followed up effectively.

***“Really, I got the feeling that they just weren’t that interested in us, especially after I made the complaint...”***

***“I would say the first thing is to take, actually, a complaint seriously. I know we are not worth a lot of money, we are not rich or anything like that, but we are still paying a bill, no matter how small it was. It would have been nice to have actually been taken seriously. Rather than just fob us off and not return our calls. That was the thing that hurt most, was that nobody seemed to care at the initial stages.” Satisfied - Cost***

- 5.3.5 This is also the stage at which the complainant is most likely to withdraw their complaint, and their reasons for doing this are often similar to those relating to individuals' reluctance to complain in the first place. Concerns about delays and further costs, uncertainty over the next steps of the process, and – in certain cases – feeling intimidated by the legal service provider; all of these contributed to many of our interviewees 'dropping' their case at this stage even if the matter had not been effectively resolved.
- 5.3.6 In satisfied cases, a number of participants ended the process at this stage because the legal provider had taken immediate and appropriate action and they felt that there was little need to progress further. The key challenge for legal providers is identifying when it is appropriate to attempt to resolve the issue swiftly without following through to a more formal process and when it is most appropriate to progress matters further. The next section outlines best practice to identify some of these issues:

#### **5.4 The key facets of a good response:**

- 5.4.1 **Responsiveness:** the speed with which the initial acknowledgement or response is received is vital for virtually all complainants, and typically this means responding within 48 hours in-line with other service industries.

***“I think that when you make a complaint it should be dealt with, taken seriously, and listened to. You know, and then they should at least think about it and give you some comment. Not just ignore it... just get on with it.” Dissatisfied - Delay***

***“What I found when I was trying to talk to them was you got as far as the girl on the switchboard, the receptionist, and no further... You know, ‘Oh well, Mr So and So, he’s on a call at the moment. He’s very busy. I’ll get him to phone you back’. Of course, nobody ever phoned***

Some cases provided examples of very long delays in responding to the initial complaint.

***“They said that, you know, that it can take between four to eight weeks for a reply because of their legal department internal procedures or whatever, something like that. It went nearly over two months that I hadn’t received a reply... They kept saying, ‘Everyone is extremely busy, and if you leave me your contact details and what the issue is about I will pass it on to someone and they will get back to you.’ I did this on numerous occasions and even when I tried to press them, ‘Well, when can someone get back to me?’ it was always, ‘Well, by the end of today, or in three days’ time,’... so it was a case of me having to call back again and again.” Delay, Failure to follow instructions  
me back.” Satisfied - Delay***

***“I was put through to her secretary which went through to answer phone, I left a phone number and a brief message of why I was ringing. Nobody ever got back to us.” Satisfied - Cost***

5.4.2 However, as important as the speed of the response is, it is also important that the expectations of the complainant are set at this stage in relation to how long the rest of this process will take. Without this information, complainants become concerned about how the process will progress, and begin to form their own (usually negative) *impressions on the length of time involved.*

***“Well it’s also giving you some sort of timeframe on it as well. You know, rather than just hear nothing or, you know, they’ve actually sent something to say, ‘It will be by this date, or so many weeks from this letter that we will get back to you.’” Satisfied – Delay, Failure to advise, Failure to keep informed***

5.4.3 **Clarity:** as we have seen throughout, the comprehensibility of the language used and information contained is also crucial. Many of our complainants were frustrated at the language used by their legal service providers, sometimes described as ‘legalese’. This is compounded by the often fragile emotional state complainants are in during complicated, lengthy and often distressing legal cases.

“I remember getting a phone call from the firm dealing with the complaint and then a lot of information came through within a day or two in the post. The level of communication was actually very good throughout.” Delay, Failure to follow instructions

- 5.4.4 To further illustrate this point, one of the interviewees was undergoing divorce proceedings, and made a complaint against the legal service provider representing him over the costs he was accumulating and the delays in completing the process. After making his complaint, he found the legal service provider’s response to be as difficult to understand as the advice he’d been receiving up until this stage, if not more so.

*“All the correspondence I got was very, very Legalese... Every time I got a letter through, or an e-mail saying, ‘Okay, can you explain this, what does this mean?’ because I was just getting reams and reams of Legalese bumph, shall we say? I hadn’t the foggiest what it all meant.*

*[Referring to the firm’s complaint’s policy, which his legal services provider had forwarded to him] “It’s two pages of Legalese, so me being in the state of mind that I was at that stage, it was basically gobbledegook...*

*I’m not a thick person, or unintelligent, but I’ve shown the paperwork to some of my friends and they’re saying, ‘My God’...” Satisfied – Costs,*

- 5.4.5 **Details of the process and the next steps:** a number of interviews expressed disappointment and frustration that they did not receive an explanation of the complaints process, and its implications for their legal case, in the initial response from their legal service provider.

***“As far as I was concerned, this was just, ‘Here’s a letter. Go away. We can’t be bothered with you anymore, kind of thing.” Satisfied - Delay***

5.4.6 **Be clear on costs:** although not true for the majority, a significant number of interviewees expressed concerns that they would be charged for making a complaint. Therefore, a clear explication of what costs (if any) would be involved in the complaints process is absolutely vital to reassure complainants – particularly those whose complaint centres on what their legal service provider has charged them so far.

***“I remember feeling quite worried that there was going to be a lot of extra costs.” Delay, Failure to follow instructions***

5.4.7 **Tone:** finally, the tone of the response is also important. It is also important that legal service providers pick up on the ‘softer cues’ complainants give when they are raising issues with them. In face to face situations, or even via telephone, these cues will be more obvious than in the case of email complaints, or indeed those received through other parties (such as receptionists or call centres). Therefore, this tone of response is important in all cases, and any individual representing the legal service provider to a consumer should be trained to look out for signs of dissatisfaction, and be able to explain the complaints procedure in some detail.



## **6 Phases 3,4 and 5 : Remedies, outcomes and closure**

### **6.1 Introduction**

- 6.1.1 As explained in the previous section, for some consumers the complaints process concluded with the response from the legal service provider. For many though, this would merely be the start of the process towards resolution. There are specific steps in this process that are replicated across multiple examples however, and this section explores both the steps themselves and the implications of these in detail.
- 6.1.2 There was variety in the different methods used to progress and resolve a complaint as expressed by our interviewees. This indicates a lack of coherence in the complaints processes of the legal service providers involved in these complaints – which has both positive and negative consequences in the eyes of our complainants.

### **6.2 Attitudes and expectations**

- 6.2.1 The outcome of the complainants varied quite significantly, depending on the reason for the complaint and the nature of the relationship with the legal service provider. For some a formal outcome or remedy is never reached – which can leave them dissatisfied at the end of the process even if they get where they want. However, there were two points that virtually every interviewee was looking for in the resolution of their complaint: some form of apology or acceptance of responsibility for failure on behalf of the legal service provider; and an expectation that the original legal issue and service that provoked the initial complaint could be resolved – preferably expediently.
- 6.2.2 One point that many interviewees agreed on was the need for some form of apology, or at least recognition that the legal service provider had failed in some way to meet their expectations of an adequate service or had miscommunicated with them during the process. This recognition was often missing from the process, particularly if the complaint was not upheld.

***“I really wasn’t looking for, you know, financial compensation, I was looking for them to say, ‘You know, we didn’t get it right, we are sorry... I think it’s a complete difficulty to actually acknowledge actually any fault or responsibility, because that might expose you to some degree of liability.’” Dissatisfied – Delay, Failure to keep informed***

“

***“Essentially, I was just expecting maybe some kind of apology” Delay, Failure to follow instructions***

- 6.2.3 Complainants would also point out that they would happily forego the process of a formal complaint (and the delays, costs and aggravation they expect from that process) if the original issue they complained about was resolved. The frustration expressed by many interviewees was that pursuing the complaints process merely created a ‘second problem’, rather than enabling them to resolve the initial one. There is a need for the legal practice to identify the best action at the initial response stage distinguishing between immediate action and progression to the next stage.

*"I think if they had a system for complaints when you phoned up, because I can understand that the first level of complaint is just an apology to the customer, but usually that apology to the customer sort of comes with, 'Okay, so you're complaining about this, what would you like to be done with this complaint,' and then a sort of, 'Oh okay, this is the next action step for the complaint.' Not to escalate the complaint, but for them to be like, 'Oh okay, so you're complaining about not having enough contact, I can just put a note on the system so when the next thing happens you get an email.' That would've been quite nice."*  
**Satisfied - Delay**

e

*"It felt like I was now having to take on board a second problem"*  
**Dissatisfied – Delav. Failure to keep informed**

## 6.3 Barriers

- 6.3.1 Many of the barriers perceived by participants at this stage are echoes of those referenced in the previous section (applying to the response from the legal service provider). Many were concerned that challenging or negotiating remedies to their situation would result in further delays or even 'blacklisting' from further legal services.
- 6.3.2 Delays are of particular concern to complainants at this stage of the process. Interviewees on numerous occasions described their frustration at the length of time it took to move through the complaints process. For some, cases lasted many months (up to 18 months in one case), a point of greatest irritation to those whose complaint was about delays in the initial legal process.

6.3.3 However, it should be noted that it is not only the legal service providers who were slow to respond in the complaints process. Some complainants themselves would wait many weeks before replying to their legal service provider's correspondence relating to the complaint, further delaying the process.

**“I said, ‘If you haven’t got the details within a week, you know, allowing for post, can you please phone me?’ They didn’t and I waited. I thought, ‘They’re dealing with it.’ I waited weeks and weeks and weeks, only eventually to find out that it still hadn’t been done.” Delay, Costs, Failure to follow instructions**

6.3.4 These barriers led to some of our interviewees withdrawing their complaints after receiving the response from their legal service provider, resulting in a premature end to the complaints process. There are striking parallels between the reasons for choosing not to complain (explained in the LSB report) and reasons to withdraw a complaint after it had been submitted. The quote below is one example from one interviewee, but there were others in our interviews that dropped their complaint after their legal service provider responded initially, or simply let their complaint ‘fizzle out’.

***“I could easily have gone and looked on the Internet to see what my rights are but because I assumed that it would cost me money, or it may cause a delay, or they might just think, ‘Eugh, I can’t be bothered with this woman,’ and push it to the back of the file I just wanted to get it sorted.” Dissatisfied – Delay, Failure to follow instructions***

***“I was thinking about just complaining again after the first-, after I’d got my money but then at the same time I thought, ‘It’s such an agro”***  
***Satisfied - Delay***

- 6.3.5 These concerns are clear echoes of those made throughout the complaints process. Further delays, escalating costs, feeling intimidated, and ultimately a sense that such action would be futile all contribute to some complainants simply ‘giving up’ before the complaint has been fully heard. Moreover, as the first priority of our complainants is to get their case resolved, any action that may delay that resolution is seen to be counterproductive by some, and therefore not worth pursuing.
- 6.3.6 Once the complaint was withdrawn, many people felt that their only recourse was simply to ‘not use that legal services provider again’ – a small victory in their eyes, but the limit of their ambition for the reasons explained so far. Therefore, rather than seeking to negotiate the best terms for their complaint, complainants will simply deter friends and family from using the firm through negative comments, and refuse to use the same firm in the future.

***“I think if you’re really adamant and you keep on, I think they will listen to you, but I think in the majority of cases people just pay the fees and then don’t use them again.” Satisfied – Delay, Failure to follow instructions, Failure to keep informed***

### The Legal Ombudsman

6.3.7 Nine interviewees took their complaint to the next level by approaching the Legal Ombudsman. For many, there is uncertainty about what to do next or a loss of impetus once the initial case has been resolved, and the Legal Ombudsman was often found by these individuals as a result of internet searches to understand the next possible steps.

6.3.8 The motivations for taking this further were fairly clear, in that the complainant felt their legal service provider was not able or willing to resolve their complaint appropriately.

“We didn’t feel like we could trust them to leave the case alone, so we wanted to make sure that we raised the matter with the regulatory services, and made sure that they were aware of our case, and the fact that we had been treated negatively. We wanted to make sure that if anything did come out of them, that it wouldn’t be damaging to our current application.” Dissatisfied – Conduct, Data protection, Delay, Failure to keep papers safe, Failure to follow instructions

6.3.9 Those individuals who progressed their complaint to the level of the Legal Ombudsman would differ from those who ‘dropped’ their complaint in two important ways. First, they were simply more tenacious in progressing their complaint, and less intimidated by the prospect of confronting legal service providers. Those who dropped their ‘complaint’ would often refer to the sense of intimidation they felt when opposing their legal service provider.

6.3.10 However, another crucial difference was greater familiarity with the legal service as a whole. Often (but not always), those who elevated their concerns to the Legal

Ombudsman had greater experience of working with legal service providers, or had 'lawyer friends'. This greater familiarity with the legal profession appears to increase their likelihood to pursue their complaint further and contact the Legal Ombudsman if necessary.

***"I didn't automatically know it was there... So I started going online to see what we could do, you know, what help I could get and then I typed in the Law Society, and then I came across that I could write to the legal ombudsman. I went to their website and it explained and then I telephoned..."***

***"The legal ombudsman should be much more advertised I think... I mean, if it was my Mum and Dad, they'd have no clue even how to get onto a website." Satisfied – Delay, Failure to follow instructions, Failure to keep informed***

6.3.11 For those interviewees who elevated their complaint directly to the Legal Ombudsman, their impressions of the efficacy, responsiveness and impact of the organisation were positive. Indeed, many of these interviewees noted how the Legal Ombudsman was able to get a positive response from the legal service provider. These examples also illustrated that many consumers were unsure about what sort of remedies they can expect when they make a complaint.

***“They took the initiative to get in touch with us, to keep us posted on progress, to let us know what had been done and what the process was, and to make sure to keep us informed about any information that they had received... I think the regulators did a really good job in terms of just keeping us posted at all stages, and also letting us know that there was possibility of compensation which was not something that we had really considered. Also took us through the details in terms of what we were entitled to and what would be the protocol for it”***  
***Dissatisfied – Conduct, Data protection, Delay, Failure to keep papers safe. Failure to follow instructions***

***“They then picked the case up and did absolutely nothing with it. I then got in touch with the Law Society, then the Legal Ombudsman, who then wrote to those legal services providers and within weeks, literally within three weeks, they were offering me compensation.”*** Satisfied -  
***Delay***

6.3.12 Beyond the Legal Ombudsman and other organisations, some complainants referred their case on to other third parties often helping expedite their case.



*I think it was treated seriously once I had written to my local MP as well... I mean I think it always helps when you write to your local MP as a constituent and for some reason they [the legal services providers] take note of it because an outside person has got involved now.” Delay, Failure to follow instructions*

“

#### **6.4 How does the complaints process of the legal profession compare?**

- 6.4.1 During the interview we compared the process of complaining about a legal service provider to other complaints processes they had been through with other professions. Most were unable to make a comparison, because they had not complained to a comparable profession – however, some (such as our case study below) did have relevant experience.
- 6.4.2 One interviewee complained about the long-term healthcare arrangements made for his mother. Whereas he found the complaints process for his legal service provider to be unclear, too informal and lacking in direction or clarity, his experience with the healthcare provider was quite different.

*“At almost every stage of the complaint process, you know, the process was very explained, what would happen at that level of complaint, where we could go next, all of that was very transparent, very formally laid out for you. You felt as if you were sort of-, as if there was a flow chart, you know, of where this would go, which meant that although it’s a frustrating, difficult, annoying process, making a complaint-*

*“Having a very sort of quantifiable, you know, and a good map of what complaint procedure looks like, where you go next, and how it happens, and what to expect, and the information on that actually makes it less daunting and makes it more navigable. Also I think it allows you to make decisions about actually, is it right, you know, to proceed to the next step? The difference is... as soon as I registered a complaint over the level of care, there was a complaint process which kicked in, and there was a matrix and there was a structure and as soon as I made that complaint, it was there, there was a grid to follow. That actually was helpful.” Dissatisfied – Delay, Failure to keep informed*

- 6.4.3 Given their lack of experience with other professions, most interviewees drew comparisons with consumer services (such as mobile phone, energy providers and clothing). Again, these comparisons were unflattering for legal service providers, largely because the complainant felt they had greater knowledge and expertise on what was acceptable in these circumstances. There was also a more general sense that legal service providers were less amenable to complaints than these consumer industries.
- 6.4.4 Even those who described themselves as confident complainers (‘I’m no shrinking violet’) would describe themselves as feeling intimidated or disempowered when complaining to a legal service provider – as the quotes below illustrates.

**“Whatever you do as a day job, there are probably three professions you’re always going to feel intimidated by...a doctor, a policeman, or a lawyer... that’s how they come across and that’s sort of how many customers are going to be feeling [intimidated].” Dissatisfied – Delay, Failure to keep informed**

- 6.4.5 The significance of this, is that it makes those who are thinking about complaining, or are even at the first stages of a complaints process, reluctant to follow through with their complaint. The quotes below illustrates this mind-set.

***“There is definitely, definitely something different about talking to a legal firm about complaining. Say I have an argument with my pension provider, then there’s an idea that I can go out and get a legal services provider, and they’ll get a legal services provider, and if the worst comes to the worst then that’s how these things get sorted out.***

***“When you’re talking to a legal firm, they know that system inside out and so you are already on the back foot by twenty paces before you even start thinking about complaining. Then when they start throwing phrases at you like, ‘Well legally you can sue a barrister for negligence, but I don’t think that’s what we’re talking about,’ you’re suddenly thinking, ‘Oh, shit, is that what I’m doing? Is somebody going to start charging me for this?’***

***“I think it’s a bit like if you are very ill and you want a second medical opinion but at the same time you don’t want to jeopardise your relationship with your current doctor. It’s kind of like that, because you’re not happy with what your doctor’s telling you, but you think that if you go to a third party then they’ll get upset and you’re so reliant on them that you can’t really afford that happening. Dissatisfied – Failure to get the result they wanted***

***“Because they know the law, they are protected by a company that know the law and we are just a couple that don’t really know anything about it. So we did feel a bit out of our depth, at times with it. It’s hard making complaints at the best of times really, but when you are making a complaint about people that would normally help you out when you are making a complaint, it makes it more daunting.” Dissatisfied – Failure to follow instructions, Failure to keep informed***

- 6.4.6 However, the corollary to this sense of inadequacy is the high expectations complainants have of their legal service provider in responding to complaints. The expectations around a response within 48 hours, an apology or admission of culpability, and even the clarity of the process seem linked to complainants’ experiences in consumer complaints – and these expectations follow into legal services.
- 6.4.7 Although the products and services themselves may be very different, expectations of the complaints process (particularly among those with little experience of the legal profession) are extremely high in terms of the speed, nature, tone, and expected returns. The example below comes from an interviewee who explained to us his experience of *complaining to his mobile provider about a contract he was sold*.

***“So I was not happy... Basically, I sent a big letter and sent it to them, to the O2 Complaints Department...”***

***“Then the next day I had a call from a, I think it was a senior manager or something. So he phoned me and he promised me he’s going to try to put me back onto the old tariff, which I had. So I think on that same evening they put me back to the same old tariff.” Satisfied - Cost***

- 6.4.8 The speed of response (if not resolution) is the key aspect here. At each stage, the response to the complaint was within 24 hours – even if this was simply an acknowledgement of the complaint and setting expectations on the next stage of the process.
- 6.4.9 As a result, there are lessons (particularly around communicating effectively with customers) that the legal profession could learn from other sectors, and not necessarily just other professional services. These lessons have been identified throughout the report, but it is clear that a more effective and clear management of customers’ expectations at the initial stage would prevent the need for many of the complaints identified through this research. Regardless of the differences between these processes, certain complainants will hold the legal profession to the same standards of complaints process as consumer goods, in terms of speed, responsiveness, and approach. This makes it important to set expectations through clear and explicit instructions as early in the process as possible.

## **7 Conclusion and Recommendations on Best Practice**

- 7.1.1 This report has outlined best practice across the first-tier complaint journey identifying reasons for satisfaction and dissatisfaction across the process. It has also analysed the reasons why people make a premature complaint and what stops them pursuing their complaint to the law firm or the Legal Ombudsman.
- 7.1.2 The research has shown that there is a lack of awareness of how the complaints process works. The distinction between what is a first-tier complaint and what is a second-tier is not one that complainants generally make. People find the overall process confusing and often intimidating and there is a perception that the process is either stacked against them or that the law firm will do nothing about it. These are factors that are apparent through the customer journey.
- 7.1.3 Within this the Legal Ombudsman is seen by some as a source for impartial advice and guidance. It is seen as an 'honest broker' potentially bringing sense to the process. Due to this, expectations are that the Legal Ombudsman will 'do something' about the individual's case. Many people contact the Legal Ombudsman because they think that is what they should do but others contact the service because they need advice or reassurance. Much of this is as a result of a perceived inaccessibility surrounding the legal service market when things start to go wrong. The system needs transparency and greater accessibility and to adopt more widely some of the good practice lessons highlighted by the research.
- 7.1.4 Overall, there are a number of suggestions that can be drawn from the process and applied more broadly when dealing with consumer complaints

### **7.2 Make the process transparent**

- 7.2.1 Complainants are often completely uninformed about the complaints process. This lack of knowledge causes many people to contact the Legal Ombudsman prematurely. Much better information is required about how the process should work and who does what at which stage. The Legal Ombudsman should review its own communications because there is evidence that some people interpret the website advice incorrectly.

7.2.2 Similarly, legal service providers should do more to inform people of the complaints procedure and the implications of the process should be spelled out in terms of cost, time, and crucially what impact (if any) the complaint will have on the existing legal case. This early and clear explanation would alleviate a number of the most serious concerns complainants have about complaining.

7.2.3 It is possible that, if the complaints process were obvious and understood at the initial consultation with the legal service provider, this would alleviate some of the barriers affecting complainants if and when they do decide to complain and reduce the number of premature complaints to the Legal Ombudsman. Ensuring that the process for complaining is clear in the minds of all consumer at an early stage would help potential complainants make a more informed decision about how (and indeed whether) to complain.

### **7.3 Understand the reason for complaint and respond accordingly**

7.3.1 Good practice takes into consideration the type of complaint that is being made – complaints about delay for example are best served with immediate action, complaints about cost are best resolved with clarity around costing. There is not a ‘one response’ process and some cases do not require a formal complaints procedure

### **7.4 Do not put the onus on the complainant to formalise the complaint**

7.4.1 Spot the signs and softer cues that a consumer is making a complaint and respond decisively. Some people find formal letter writing difficult which puts them off making a complaint. Legal service providers need to recognise the signs early and be more proactive in addressing concerns and issues. This means not asking the consumer what they want to do next, but to provide a map of options highlighting both formal and informal complaint processes (if appropriate) but always highlighting the fact that there is a procedure in place and an action plan to follow

### **7.5 Respond in a way that reflects the tone of the consumer**

7.5.1 Ensure that the effort the customer puts into the complaint is at least recognised and matched in the process. For example, in the cases of a long and detailed complaint process, ensure that this is recognised in a detailed response



## **7.6 Timely response to customer communications**

7.6.1 Speed in responding to and then dealing with the complaint is seen to be the most effective way of ensuring the best chance of a complainant being satisfied with the complaints process. When the response from the legal service provider was swift (within 48 hours), this was noted and viewed favourably by the complainant.

## **7.7 Clear and comprehensible language, and an appropriate tone**

7.7.1 Clarity in communications (particularly the first response to the initial complaint) is absolutely vital in setting the expectations of the complainant – and therefore delivering a considered and effective complaints procedure.

7.7.2 Moreover, the tone that accompanies that communication must be appropriate, and where possible, not emotive or provoking emotion from the complainant. Consumers generally desired clear and neutral tone.

## **7.8 Involve another solicitor early in the process**

7.8.1 Involving another solicitor from within the same firm in moderating the complaint was welcomed by the interviewees we spoke to who had experienced this. For those who required it, the introduction of another legal services provider provided expert and (more) independent advice and counsel – which invariably helped to improve the complaints procedure

## **7.9 Reassure the complainant about their original legal case**

7.9.1 As identified in both parts of the report, the concern that raising a formal complaint will prejudice or disrupt their existing complaint is a source of serious concern for the complainant. Several of the examples of best practice identified above would help to alleviate this, as the concern often arises through a lack of clear, timely communication or a lack of understanding of the process.

7.9.2 However, resolving the original case to their satisfaction is often the primary objective of the complainant – often over and above resolving the complaints process to their satisfaction. As such, it is important that complainants are reassured that pursuing their complaint will not result in any negative impact on their on-going legal case – where applicable.



## 8 Appendix 1

### Complaints to legal services provider

#### 8.1.1 Complaint letter to legal services provider:

“Thank you for the letter. I was very concerned that you have an itemised list of costs and did not let me have a copy of it to enable me to make an informed decision whether to send emails or telephone you regarding my case based on this information. When your invoice was submitted to me, why was it not detailed as to the list you sent to me following my complaint with the actual costs for each of the services provided itemised? I believe it is very deceptive that the invoices were sent with one block amount as I would have certainly queried the original invoices if I knew the charges were made to your list, and I would certainly have thought twice before contacting you either by email or by telephone. In our telephone conversations, when I mentioned the cost to you, the reason you always gave was that it was voluminous. The reason it was voluminous was probably due to the number of emails that I sent to you. It must have been apparent that I was concerned about the costs. Why did you not ask me if I understood your rates and tell me that you had charged me for each email I sent to you? On several occasions, I sent a few emails in one day at a cost of £9.50 each. It must have been obvious that I did not understand your rates.

On several occasions, I sent information to you only for you to telephone me and ask me for the same thing. I would then forward it on again, so presumably I was getting double-charged for sending the information and on top of that £19 for you to telephone me to ask for it. I then started copying XXXX into my emails. Was I getting double-charged for XXXX assistance? Was I getting double-charged for these? Even after doing this, I can remember a couple of occasions when I had copied Tracy into emails then having telephone conversations with you later and you saying you hadn't received the information, so I forwarded it on again. When I first met with you and [REDACTED], you discussed an employment tribunal case that you had recently concluded which had cost £12,000. You said that mine may cost more and to budget for a topline figure of £15,000 plus VAT. This estimate was confirmed in your initial letter. I made it clear to you that I

was taking a lump sum from my pension to pay for the case and did not have any other back-up funds to pay for it. Why did you not discuss with me when it was getting apparent that the costs were going to be double this amount? I was never given a revised estimate apart from that which you sent on 19 July 2010 when you said, 'I estimate further costs for which you may be liable at £2,000-£3,000 plus VAT.' Even this changed when you asked me for a further £5,000 plus VAT.

I believe that you have failed in your duty of care to me by not ensuring I completely understood your rates when I showed concern over the costs and also for not sending me detailed invoices which gave me a full explanation of what I was being charged for, i.e. individual costs for each item as per your list. In addition to this, I feel you should have sent me revised estimates with the cases to ensure I had sufficient funds to cover the final cost. Another look at the invoices submitted and also the final one which I have yet to receive to see if they can be reduced taking the above into account.' Dissatisfied – Costs

#### 8.1.2 Complaint letter to legal services provider.

'Madame, thank you for your letter dated 4<sup>th</sup> June 2007. I am concerned that the tone of the letter does not reflect the circumstances or cause of the accident. I would therefore draw to your attention the details in an effort to gain your full support in proportioning the blame to the correct party. I attach the photographs of the accident site, which details a summary to my best recollection of the accident. These details are provided to you 'without prejudice'. At the outset, I will restate that I regard any attempt of apportioning of blame to myself as groundless. I hope to get straight to the point to you, I visited the scene the following day with a friend and made a mental note of the position of the temporary lights. The photographs were taken on the 16<sup>th</sup> of June, when it was apparent that the facts were in dispute.

Initially, I was stationery at the temporary traffic lights at [REDACTED] Road, being held by a red light. Please note the sweeping bends at the junction threshold. View one, shows a general layout of the junction, without temporary traffic lights. The main lights being out of action, on the morning of the accident, and the junction was being controlled by temporary traffic. The temporary lights at [REDACTED] Road was controlling the traffic

from my left to my right and the road opposite, the place directly in front of the permanent light, on the pavement. The temporary lights on the [REDACTED] Road', blah blah, and so it carries on." Dissatisfied – Delay, Failure to get the result they wanted

- 8.1.3 Over the page is a further example, with a scanned version of the complaint letter included.



22<sup>nd</sup> November 2010



Dear Mr 

**Your Ref: GPC/OC**

I regret that I need to complain about the standard of your responses to my request for assistance to enable me to recover money owed to the CFPRA by a neighbour.

If I had not been pressed for additional payment by your credit control officer then I would have just let the matter drop but the receipt of an invoice for a further £371 has caused me to reflect on past actions and whether we, (CFPRA) have been treated properly.

Whether we, (CFPRA) have a legally enforceable claim against our neighbour, or not, is not the subject of this complaint.

The complaint is twofold.

Firstly, that there have been unwarrantable delays in dealing with correspondence, which has resulted in actions not being dealt with in a timely manner. The whole business has been drawn out for far too long. It is true that some of the delays have been caused on my side whilst dealing with other parties, who were also tardy, but the delays endured as the result of your failure to give answers reasonably promptly are just not acceptable.

Secondly, I am not confident that all of the advice I have received is sound. I believe that some answers have been given after insufficient consideration and finally, for that reason, I have sought a second opinion from another firm of solicitors, with whom matters are currently proceeding.

Overall, I don't think that fair value has been given and that the standards of service you have set yourself have not been met. That is: -

Copies of some substantive correspondence were received only after repeated requests.

## **2. Response from Legal services provider**

page 1 of 1

## Main Identity

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**From:** [Redacted]  
**To:** [Redacted]  
**Sent:** 06 December 2010 10:05  
**Subject:** RE: Thanks Clive

Best Wishes [Redacted]  
[Redacted]  
Senior Partner

[Redacted]

**From:** [Redacted]  
**Sent:** 05 December 2010 14:00  
**To:** [Redacted]  
**Subject:** Re:

Dear [Redacted]

I am sure we are both disappointed with the way things have gone, please write off the last invoice.

Sincerely

[Redacted]

**From:** [Redacted]  
**To:** [Redacted]  
**Sent:** Tuesday, November 23, 2010 3:25 PM

Dear Mr [Redacted]

I thank you for your letter. I apologise that you feel dissatisfied with the service. If you would like to take the matter further I can provide you with my complaints procedure but wonder if you would be satisfied if I were to just write off the last invoice completely and if that could resolve matters between us? Please let me know.

[Redacted]

[Redacted]

## 9 Appendix 2: Best practice case studies

### 9.1 Case Study 1 – Personal injury case, complaint referred to delays and a failure to keep informed

**Background:** He was making a personal injury claim after being hit by a car while cycling.

**Reasons for the complaint:** The legal services provider originally dealing with his case went on maternity leave and a second legal services provider who was then assigned to the case then left the firm without notifying the complainant. During this time, a deadline was missed which meant that the complainant was faced with having to cover the legal costs of the case himself, rather than his insurer.

‘There was 21 days to respond to that [offer from other side] and that time-frame slipped by about fifteen days because they neglected to actually pass it on to me. So, in a way, they obviously didn’t have my best interests at heart, but it was purely because they didn’t know how to co-ordinate things once this person had gone onto maternity leave.’

As the quote above highlights, he complained due to a missed deadline and neglect in the handling of his case. While he did feel that major errors had been made here which could have had serious financial implications, he put the problems down to a lack of co-ordination within the firm rather personal misconduct of one single legal services provider.

**First contact:** He sent an email to both his original legal services provider who was now on maternity leave and to the firm’s general email address. His original legal services provider was first to reply, she replied the next day to let him know that she was looking into it. She then sent an email two days later with an explanation of what had happened, what they could do to resolve the problem and what he could do if he still was not happy with this response.

**Expectations** – He had low expectations at this stage. He expected to receive a ‘generic’ email outlining the complaints procedure and telling him they would get back to him in 5 working days.



'I hate the emails that say, "we'll get back to you within 10 working days." It sort of makes you think that there are a lot of complaints going around.'

**Best Practice** – Instead, the email sent dealt with the issue at hand, providing a full explanation of what had happened in clear and understandable language.

'It is a complicated matter, but she has a certain way of making it simple, breaking it down. It was in very layman's terms and very understandable.'

**Remedies:** Two days later, the same legal services provider emailed to let him know that they had negotiated with the other legal services provider and had ensured that he would not be personally responsible for these legal costs.

**Best Practice** – The legal services provider was aware that this particular case required immediate action and acted accordingly, she was 'proactive' in solving the cause of the complaint rather than just responding to the complaint itself.

'Her initial reaction was "Yes, we need to deal with what you're complaining about before we actually deal with the complaint." It felt very proactive, and you have to remember, I wasn't making a complaint because I was angry at that point, I was making a complaint because I wanted something to happen.'

**Outcome and Closure:** The issue was resolved and the firm continued to work on this case. For him, the way in which this complaint was handled was proof that the firm was a reputable and dependable firm and he would be happy to use the firm again in the future.

'I think that the way that they dealt with it proved that they were the firm that I thought they were before I had made the complaint. Now I know that if there's something else that comes up, I know exactly what to expect.'

It is important to note that he did consider taking his complaint further by speaking to the Legal Ombudsman, but that this was 'in the heat of the moment', indicating that even when the legal services provider responds to complaints in a prompt and proper manner, complainants can still be dissatisfied.

Most importantly, his case illustrates the priorities of most complainants in these situations – specifically to resolve their legal case to their satisfaction. When asked if he

would have preferred to have a more senior legal services provider become involved in the complaints process, he said no. As in many cases the primary goal of the complainant was reaching a conclusive and beneficial end to the legal proceedings, and the complaint was merely a means to that end – the complaints process was secondary to the legal proceedings about which he was complaining.

## 9.2 Case Study 2 – Wills and probate case, complaint referred to costs

**Background:** The complainant was using a relatively large firm to draw up a will. He had not used the firm previously, but it had been recommended by a neighbour.

**Reasons for the complaint:** In the initial meeting, a fee of £300 was quoted for the work on the will. This was not written up in writing following the meeting, but the complainant was not informed of any changes to this fee. However, 10 days later he received an invoice for £540 plus VAT as a final costing for the work which was to be undertaken. He could not afford to pay this amount and was both worried and angry at this extra charge.

'We have got family around us who could have leant us that extra money, but it was the principle in the end. Why should we pay anymore? We were paying enough as it was'

**First contact:** Tried to ring up the legal services provider involved in the case, however he was told that this legal services provider was on annual leave. He then rang again and was put through to her secretary's voicemail, where he left a phone number and brief message on why he was ringing. The secretary did not get back to him within 24 hours, so he then called back and was given the name of a senior partner. After a few calls, he got through to this senior partner and explained the problem over the phone.

'I decided to go higher, as it were, and speak to somebody in charge. I didn't really want to just keep phoning up and leaving messages. I didn't want it leave it where it just dragged on, especially as we had a bill for £540.'

'It took a little while to get through to the person who could help me, but eventually I did'

**Expectations** – At this stage, the complaint was not handled particularly well in the opinion of the complainant. The complainant found it difficult to get through to the right

person, and did not feel that his complaint was being dealt with the severity he accorded to it. He was unable to pay £540 and therefore needed this matter to be solved urgently as he had already received a letter stating the number of days within which this payment must be made.

**Second Contact:** The senior partner listened to the complaint on the phone and acknowledged that there may have been some miscommunication involved. He asked for more details, which the complainant emailed over to him after the phone call. After this email was sent, the senior partner rang back after 10 minutes to notify the complainant that he had received this email and would ring back in roughly 72 hours after looking into the issue.

**Best practice** – Though it had taken some time, the complainant now began to feel reassured that his complaint was being dealt with in an appropriate manner. Three factors came into play to reassure the complainant of this. Firstly, the complainant was able to fully communicate the issue verbally and now felt that someone was now listening to his complaint. Secondly, the senior partner notified the complainant that he would pursue this issue. Finally, the complainant was provided with a timeframe which was in line with the immediacy of the complaint.

‘It was quite a relief when we got hold of somebody at the end of a telephone who said “Okay, it is going to take a while” but acknowledged the fact that we had had a bit of miscommunication’

‘You feel a bit at ease, that somebody has heard you, somebody is listening and somebody is going to do something about what your complaint was about’

**Remedies:** The senior partner got back to him in two days’ time and told him that the firm would revert to the amount discussed in the original meeting as ‘a gesture of goodwill.’ He apologised for any misunderstanding.

While the complainant was happy with this remedy and could not fault the complaint procedure after the senior partner had got involved, the initial stage of the complaint had a lasting impact on his impressions of the firm. He felt that the firm did not treat his complaint with the urgency it deserved, and saw the final remedy more as a tactic to get rid of the issue than a ‘goodwill gesture.’

'Being put through to an answer phone was the last straw for us. We wanted to actually say, look, this is not fair. We wanted to explain it and get it nipped in the bud as soon as possible, not wait around for people to return phone calls. You start to lose a bit of faith in the system then'

He would also have liked to have received an apology from the legal services provider involved in the case, or at least had further discussion on the matter.

'He [the senior partner] actually did bother to apologise, even though he knew nothing really about why we were complaining. I think it was just easier for him to say sorry. We would have actually wanted an apology from the legal services provider that we saw'

**Outcome and Closure:** The amended invoice was received and the wills were fully completed in the next month. The complainant was not sure whether he would use the firm again but was satisfied, to some extent, with the result.

### 9.3 Case Study 3 – Conveyancing case, complaint referred to delays, a failure to keep informed, and a failure to progress

**Background:** He and his wife were using a legal services provider to settle a land transfer from his wife's father-in-law to his wife. They were in the process of applying for planning application on this land, and needed this transfer to be completed prior to the planning application deadline. He had made a complaint about another legal service a number of years ago, and had spoken to the legal ombudsman during this process.

**Reasons for the complaint:** The original legal services provider working on the case retired and the work was transferred to another branch. The transfer took longer than anticipated, and when He came to filling out his planning application, he realised that the title had not been registered by the legal services provider.

**First contact:** He called the firm and couldn't get through to the legal services provider involved in the case.

'We had a number for the legal services provider but often you got through to his secretary or one of the office staff and he just never returned the call.'

The deadline for the planning application was coming up in a few weeks, so he wanted to resolve the issue as soon as possible. He did eventually get through to the legal services provider, but after discussing the issue he did not hear back from this legal services provider.

**Second Contact:** After not hearing back from the legal services provider, the complainant looked up the firm's complaints procedure online and emailed the senior partner designated to handle complaints. He was aware of this procedure from his previous experience of making a complaint about a legal service.

'After that we didn't hear anything more, and after I couldn't get through that's when I looked on their website and saw there was a complaints procedure on there, and emailed concerned who was dealing with complaints'

'Trying to do it informally with the legal services provider was fine, but when we weren't getting anywhere that way, that's when we decided to make a complaint. And it worked much better the formal way'

**Best practice** – At this point, the process sped up rapidly. The senior partner dealing with complaints emailed back within the hour to tell him that he would be looking into the matter and would make sure that the legal services provider would get in contact with him.

Later the same day, the legal services provider involved in the case rang up to apologise for the mistake that had been made and informed him that they were taking a course of action to resolve the problem.

The speed in which the complaint was dealt with at this stage stood out as an example of best practice.

'[the] independent legal services provider, even though he was in the same practice, got into it straight away, and then the very next day the legal services provider did actually phone back, which wasn't happening before whilst it was just a routine enquiry rather than an actual complaint'

**Remedies:** The matter was resolved quickly, and, as a result the planning application they were applying for went through smoothly. After the issue had been resolved, the complainant felt that he had no reason to take the matter further.

‘The only reason I would take it any further is if for any reason we’d have lost the planning application and had to resubmit the application’

**Outcome and Closure:** He felt happy with the way the complaint had been handled after the senior partner got involved and would consider using the firm again.

#### 9.4 Case Study 4 – Litigation case, complaint referred to delays, failure to follow instructions, and a failure to keep informed

**Background:** She was being sued by a client and had hired a legal services provider to handle the case.

**Reasons for the complaint:** She felt that the firm were not providing her with enough information, and, ultimately felt she was being charged too much for the service. She decided to discontinue with the firm and received a final bill which she felt was out of proportion to the work done.

‘They just kept doing things without our instruction and sending us bills. So after a year I got rid of them. They sent me a final bill of £25,000 after I’d given them just over £100,000. We refused to pay their bill because they hadn’t provided us with services’

**First contact:** While the work was still being undertaken, she called three meetings to discuss her concerns on not being told about what was happening with the case. She found it difficult to raise the complaint while the case was still on-going as the legal services providers were still needed to complete the work.

‘We raised our complaint to them, but we were always at these strange bits in litigation where we couldn’t just not do anything. There were deadlines’

The appeal was won, however, when the final bill was sent, She thought it was too high for the amount of work done. She contacted the Legal Ombudsman as she was not sure

how to pursue this matter. She was told to send a formal letter of complaint to a senior partner which she then did.

**Second contact:** She got a response from a senior partner who emailed to arrange a meeting to listen to the case.

'He met with us and explained that he was third party, he was sitting there to listen to our case and would then meet with the partner that had been dealing with me, and then he would come back to us'

'He really listened to me. He was patient, he tried to put forward, where it was appropriate, the point of view of the practice, not anything to do with judgement on how we were treated. So we were really listened to and came away quite confident that our case had been heard and at last someone was listening to us'

**Best practice** – This meeting went well, with the complainant coming away confident that the matter would now be resolved. Being able to discuss the issue in full, and the act of being listened to by a senior partner, reassured her that steps would now be taken to confront the matter. She felt that the senior partner was the right person to discuss the issue with, being both knowledgeable about litigation and independent from the case involved.

'We were very satisfied with the process because we felt, just for once, that he listened to us'

**Remedies:** She received a phone call to notify her that the final invoice would be cancelled.

**Outcome and Closure:** She was satisfied with the remedy and the complaint was then closed. She also believes that, as a result of this experience, she is in a much stronger position to make a complaint to a legal service provider in the future.

'Now I understand the process we would actually first of all demand to meet the complaints person within the practice. I think I'd be a lot more stable and not so scared about things'

## 9.5 Case Study 5 – Wills and probate case, complaint referred to delays and failure to follow instructions

**Background:** She had used the law firm previously for conveyancing. She was happy with the work they had done on this so decided to use the firm for some work on her will.

Reasons for the complaint:

- Disappointed in the quality of work as basic errors had been committed by a junior member working on the will.
- Felt she had spent too much time rectifying these mistakes himself.

**First contact:** Made a phone call to the legal services provider handling her will and set out the reasons for her dissatisfaction.

**Barriers** – At this stage, she did feel somewhat uncomfortable contacting the legal services provider directly responsible for the work.

**Best Practice** – An apology was made on the phone. She was then told that she would receive a more formal response shortly after the legal services provider had looked in to the matter.

**Second stage:** Received an email within an hour of initial phone call from a senior partner to notify her that they were looking into the issue. The following day, the original legal services provider got back in touch with her by phone and agreed with all of her complaint. This was followed up by an email to confirm the details of the conversation.

**Best Practice** – Quick response and kept in the loop at all times.

**Remedies:** The legal services provider suggested remedies which were to issue new documents, and reduce their fees for the service.

**Expectations** – This remedy exceeded expectations as the respondent was not anticipating a reduction in fees.

Outcome and Closure:

- The matter was considered closed once the remedies had been agreed.

Respondent was very satisfied with the way the complaint had been handled and would still recommend the firm.



