

## **Consultation – changing our requirements on first-tier complaints**

### **Analysis of responses**

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September 2025

# Consultation – changing our requirements on first-tier complaints

## Analysis of responses

### Respondents

We received 75 responses, from the following types of stakeholders.

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|---|----|
| Individual practising solicitors  | 20 |
| Individual non-practising solicitors  | 2  |
| Other individual legal professionals  | 4  |
| Member of the public  | 1  |
| Other individuals   | 2  |
| Law firms   | 28 |
| Local Law Societies   | 11 |
| Professional representative organisations. These were the Association of Consumer Support Organisations, the Forum of Insurance Lawyers, the Law Society of England and Wales, the London Solicitors Litigation Association and the Small Firms Network | 5  |
| The Legal Ombudsman   | 1  |
| The Legal Services Consumer Panel   | 1  |

### Principal themes

Respondents' overall views on the consultation varied greatly, as did views in favour or against specific proposals. Few respondents were opposed to all of our proposals, but equally, few respondents supported all of them.

Ahead of the analysis of responses to each of our specific questions, this section aims to set out the most common themes which ran through the responses to all our questions.

#### Principal themes among the responses

- Whether there is a need for change.
- Whether the SRA has the most appropriate regulatory remit to effect improvements (for example, in relation to the role of LeO).
- Benefits of the proposals, including specific proposals which were supported by most respondents.
- Respondents' concerns relating to the impacts of the proposals.
- The needs of vulnerable clients

### Whether there is a need for change

Respondents' views were varied on this issue. Some respondents felt there was a need for changes in the quality and processes of first-tier complaints handling in legal services. The Legal Ombudsman (LeO) felt that it currently deals with many complaints which could have been resolved by law firms at first-tier level:

'Over the last five years, demand for our service has increased by almost 50%. Drivers of this demand are many and various... Too many complaints are escalated to LeO which could be resolved effectively at first tier. Addressing this is a shared responsibility, which can only be addressed through collaborative action by the profession and regulators. It is to the long-term benefit of service providers and consumers of legal services for these improvements to be made.'

The Legal Services Consumer Panel (LSCP) made this overall comment:

'This consultation marks an important opportunity to rethink existing systems and introduce more robust, user-centred measures that restore consumer trust and drive meaningful accountability...'

They then went on to give this reason for the need for changes:

'While the [LSCP] Tracker Survey reports that 87% of consumers are satisfied with their legal services, this masks a concerning disconnect in first-tier complaints engagement. Only 51% of consumers say they would know how to make a complaint, and nearly a third would not raise issues directly with providers, citing barriers like fear, mistrust, or concern over delays and costs. This suggests that high satisfaction does not equate to a well-functioning complaints system. Instead, it may indicate that dissatisfied consumers are silently disengaging, unable or unwilling to challenge poor service — a potential regulatory blind spot.'

However, the Law Society interpreted the data differently:

'We expressed serious misgivings about the evidence base for the LSB's position. The Legal Services Consumer Panel (LSCP) Tracker 2024 found that 87% of consumers were satisfied with the legal services they received. Such high levels of satisfaction suggest that such problems as exist affect only a small proportion of consumers, and we call into question the need for any extensive reforms.'

Several other stakeholders made similar points, for example Manchester Law Society stated:

'The profession is being expected to go way beyond what other professionals are being asked to do and that we often end up having to entertain the disaffected even where they may not actually be the client. There is already a huge administrative and compliance burden involving significant time and cost to businesses and given the LCSP's Tracker Survey findings found satisfaction levels at its highest ever at 87% in 2024, we ask the SRA and LSB to bear this in mind when considering imposing further burdens on firms where it is unnecessary and disproportionate to the risks.'

A law firm gave this view, echoing several similar comments:

'It would have been helpful to have issued the full results of the SRA's thematic review of how firms identify, manage and learn from complaints carried out in Jan-March 2025 before launching this consultation, thereby enabling the profession to consider as much available data as possible.'

Another law firm stated:

‘It is unclear why there is a proposed change as the SRA's recent survey of 750 firms found that 96% are meeting requirements and providing information on how to complain.’

In contrast, following on from its comments quoted above, the LSCP set out what it saw as the key concerns:

‘The Panel welcomes the SRA's efforts to reform first-tier complaints handling and broadly supports the SRA's approach and proposals. For many years we have noted key concerns, which include low consumer awareness of complaints processes, systemic issues in first-tier handling (with 46% found by the Legal Ombudsman to be unreasonable), and a culture that deters feedback from ‘silent sufferers’ (those who are dissatisfied with the service they received but felt unable to complain).’

### **Whether the SRA has the most appropriate regulatory remit to effect improvements**

Respondents questioned whether the SRA has the most appropriate regulatory remit to effect improvements (for example, in relation to the role of LeO).

The Law Society raised concerns in this respect:

‘The Law Society supports proportionate improvements to complaints handling but cautions against overregulation or regulatory overreach by the SRA, into matters which are already part of the remit of LeO.’

Birmingham Law Society felt that existing ISO complaints handling requirements suffice without the need for the SRA to make some of the proposed changes, for example in relation to when complaints information is provided:

‘It appears that the SRA is being required by the LSB to make the proposed change. We are aware that ISO 10002, the International Standard for Complaints Handling, provides that it must be easy for the client to complain and clients must be kept informed about progress of their complaint. Adopting this standard would remove the obligation to specify when such information must be made available.’

Other stakeholders did not question the SRA's remit in this area. LeO stated:

‘We welcome the opportunity to respond to this consultation and would like to note our appreciation of the continued collaborative efforts to improve first-tier complaints handling across the sector... We value the constructive relationship we have developed and are committed to working closely with the SRA to support the profession in making the necessary improvements.’

The LSCP stated:

‘The proposed measures will support regulatory objectives concerning consumer protection and access to redress. They place proportionate expectations on providers and offer tools that can drive improvements without imposing undue burdens.’

However, a law firm felt that larger firms' motivations would effectively be outside the scope of the proposed reforms and that for them, standards would be driven by clients rather than by regulation:

‘There will be many firms whose client base falls squarely within LeO's remit and where clear and transparent processes are essential whereas larger firms may often

have clients who do not fall into the Legal Ombudsman's remit and where a firm's complaints handling process is inevitably driven by the fear of a significant client ceasing to instruct.'

## **Benefits of the proposals**

Some respondents saw benefits in our proposals. The LSCP felt that the consultation was a positive step with significant potential benefits. They stated:

'The Panel urges the SRA to embrace the full potential of this consultation as a vehicle for transformation. Incremental adjustments will not suffice. What is required is a bold, collaborative effort to build a system that meets consumers where they are, with clarity, compassion, and consequence.'

They felt that our specific proposals would help address the following issues:

'Barriers within client care communication: complaints procedures are often buried in lengthy documentation, presented in legalistic language, and lack clarity or empathy. Such practices fail to meet the needs of the most vulnerable, leaving many consumers disempowered at the very moment they need support. The Legal Ombudsman's data reinforces these concerns. In the 2023/24 reporting period, 46% of complaints investigated revealed unreasonable handling at the first tier, and 69% involved poor service overall. This signals not isolated missteps but widespread failure to treat complaints seriously and constructively.'

LeO stated:

'We fully support the overall aim of ensuring consumers understand both their right to complain and how to do so. This is a critical feature of a good service and an important component of ensuring public confidence in legal services. From our experience of investigating complaints, we know there is room for improvement in both how and when complaint procedures are communicated to clients. We therefore welcome the intention to take action in this area.'

The Law Society took the view that not all our proposals would bring benefits, but some would:

'We support greater prominence of firms' complaints procedures on their websites so that the procedure is more visible and easier to locate and demonstrable of a commitment to client satisfaction. We recognise the benefit of adopting a universal definition of what constitutes 'a complaint'. This would be useful in terms of consistency.'

They went on to list some areas where they expressed both potential benefits but also concerns.

'However, we consider the LSB's suggested definition of a complaint to be inadequate... We strongly support the development of a single, practical complaints handling guidance document in consultation with the profession, with sector-specific examples and templates. The SRA's existing guidance on the topic and any proposed new guidance should be consolidated... We broadly support the idea of a Model Complaints Resolution Procedure (MCRP), but have concerns about a rigid, one-size-fits-all model due to the diversity of the profession, areas of practice and clients.'

The Association of Consumer Support Organisations (ACSO) stated:

‘We conclude that ultimately [the consultation proposals] will allow a greater opportunity for consumers to be able to access a provider’s complaint procedure and ensure that their complaints are handled efficiently and in a timely manner. It is important that emphasis is also placed on the providers and that they do not become inundated with ‘complaints’ that could be resolved by other means or that such providers are not subject to additional funding for resources that are ultimately borne by the consumer.’

The majority of respondents saw benefits arising from the following specific proposals:

- Expanding sections of our Codes of Conduct to require that complaints information must be provided to clients upon request, and if a complaint is made during a matter.
- Expanding our Transparency Rules to state that complaints information published under this rule must be clear and accessible on a firm's website.

Many respondents also saw benefits in other proposals, but also voiced some concerns about them. These are set out in more detail in the analysis of the responses to the specific consultation questions below, but this is a summary.

- Some respondents supported or did not object to mirroring the SRA’s existing guidance on ‘prominence’ in the context of price and service transparency, but some of them expressed concerns about using such words in rules as opposed to guidance.
- Some respondents agreed in that we should include LSB's definition of a complaint as a defined term in our Standards and Regulations Glossary, mainly for reasons of consistency. But several respondents also expressed concerns relating to the perceived breadth and vagueness of that definition.
- Many respondents welcomed clearer, consolidated, and practical guidance, although a small number of respondents were sceptical, viewing additional guidance as unnecessary or adding additional compliance burdens.
- Some respondents recognised that a Model Complaints Resolution Procedure (MCRP) could be of use, especially for smaller firms, but many of these respondents were opposed to making the MCRP mandatory or overly prescriptive.

## **Respondents’ concerns relating to the impact of the proposals**

Respondents raised the following principal concerns in relation to the overall direction of our consultation proposals:

- Costs of compliance would increase, and this would be passed onto consumers, which in turn would impact access to justice.
- There would be a disproportionate impact on smaller firms. Again, this could impact access to justice, particularly among the client groups of smaller firms and in relation to the types of work those firms do.
- Some of the proposals, in particular the requirement to provide complaints information to clients on conclusion of a matter, could lead to an increase in complaints. A few respondents went on to state that the handling of genuine complaints could suffer because of the increased work on unmeritorious complaints.
- Some of the areas where we asked for views, such as the publication of data about timeliness of complaints handling, could negatively impact consumer perceptions and therefore impact public confidence in legal services provision.

These concerns, as well as concerns about the impact of specific proposals, are set out in more detail in the analysis of the responses to the specific consultation questions below.

### **The needs of vulnerable clients**

There was a theme relating to the **needs of vulnerable clients**. Most responses relating to this arose in relation to question 1a. Further detail can be found in the analysis of question 1a below.

## **Analysis of responses to our consultation questions**

### **Question 1a**

‘Do you agree with our proposal to expand 8.3 of our Code of Conduct for Solicitors, RELs, RFLs and RSLs, which will also apply to firms under section 7.1 (c) of our Code of Conduct for Firms, to include that complaints information must be provided to clients on conclusion of the legal matter?’

#### **Overview of responses**

- Almost all respondents were opposed to the proposal, including the Law Society and the majority of local Law Societies, law firms and individual solicitors.
- Few respondents expressed support, but these include the Legal Services Consumer Panel (LSCP).
- LeO and the Association of Consumer Support Organisations (ACSO) were broadly supportive of our aims, but made a number of suggestions, and points relating to problems with implementing the proposal as it stands.

### **Opposed responses – concerns and themes**

These are the concerns and themes raised by respondents.

#### **Evidential justification**

Some responses questioned why the proposal is being made, saying that existing rules are being followed and complaints levels are not problematic. These are typical comments:

‘It is unclear why there is a proposed change... 96% are meeting requirements.’

‘The SRA’s consultation lacks sufficient evidence to justify the proposed reforms.’

Some respondents stated that the SRA was referencing a thematic review without publishing the supporting data.

#### **Appropriate regulatory balance**

Some respondents felt this was inappropriate regulation, often stating that improvements to our guidance would be appropriate and sufficient, for example:

‘Rather than expanding the Code, the SRA could issue guidance encouraging firms to consider providing complaints information at the conclusion of a matter where appropriate. This would promote consistency while respecting the judgement of legal professionals. Firms should retain the flexibility to provide end of matter complaints

information such as in response to client feedback, complex matters or where there are signs of concern.'

The Law Society made a similar point:

'Firms should be allowed to use their professional judgement as to when to refer clients to the complaints information previously provided in the client care letter or on the firm's website, which is not necessarily dictated by the end of a retainer.'

### **Administrative burden**

The Law Society stated:

'Given our overall support for the proposals in Questions 1(b) and (c) below, we do not consider that a further mandatory requirement to provide complaints information at the conclusion of a legal matter is necessary. Our members consider that this proposal, if implemented, would only create an additional layer of bureaucracy and expense that would add little or no value to the process for consumers.'

A professional representative organisation stated:

'There was a general feeling across our members that additional disclosure obligations relating to complaints information would impose an unfair regulatory burden on individual solicitors and law firms.'

### **Client information overload**

Some respondents were concerned about overloading clients with information, for example, a professional representative organisation stated:

'It is important that clients are not drowned with information. The SRA needs to consider the risk of diminishing returns – the more information clients are provided with, the less they are likely to digest it, which would defeat the purpose.'

Another respondent stated that the requirement would be unhelpful in respect of corporate work:

'This approach may not always be appropriate, especially when a firm is handling multiple matters for a client, particularly a large corporate client, as it could result in the client receiving excessive or duplicate correspondence regarding the firm's complaints procedure. Many of our clients would likely find this level of communication from the firm unwelcome or excessive.'

### **Client confidence and business relationships**

Some respondents stated that reminding clients how to complain at the conclusion of a matter may send a negative, confusing or 'adversarial' signal, even where the service has been good. Typical comments were:

'Reinforcing the complaints' procedure in the closing letter... sends a negative message. When the majority of clients are happy with legal services, highlighting the complaints policy will make them wonder whether there is something they should not be happy about.'

'We believe that our final communication... should be a positive one.'

Some respondents stated that the proposal would be inappropriate where an ongoing relationship exists, for example business or repeat clients.



‘When an instruction has gone well, or for almost every business client, who is likely to be an ongoing client, it would be very odd to have to say ‘Glad it went well. Here’s my complaints procedure.’

Devon & Somerset Law Society felt that best practice was to deal with complaints during a matter, rather than at the end:

‘There is strong feeling amongst our members against the proposal to require firms to give details of their complaints process at the end of a matter. As was suggested at the SRA’s round table on 31 July, not only can it be unclear when a matter is concluded we do not believe that this is good practice. The President of the Liverpool Law Society made the point well in his submission to the round table that firms need to have the opportunity to deal with complaints as the matter progresses. This is good for consumers as the complaint can be addressed promptly and effectively allowing the firm to put right the service complained of and conclude the work in a satisfactory manner. We do not believe the giving of this information at conclusion will add any value to the consumer. The more likely outcome will be an increase in staff time and cost dealing with additional unfounded and speculative complaints made simply in the hope of a reduction in fees.’

### **Risk of encouraging complaints**

Many respondents who were opposed to the proposal stated providing complaints information at the conclusion of a matter could trigger speculative or unjustified complaints, including complaints with the aim of reducing or delaying paying the bill.

‘[Clients] will already know how to complain, and this proposal will just be a chancer’s charter to reduce fees, especially the ‘loser’ in any contentious matter.’

‘Lay clients will not necessarily have any understanding as to why they are being told this at conclusion of their matter. It may also lead a more unscrupulous client to make a complaint, with no basis, in the hope of being compensated.’

A few respondents felt this could become a routine challenge to billing, particularly where a client is disappointed with the outcome of a matter, for example in litigation.

### **Escalation of complaints**

As a consequence of the perceived risk of more complaints, some respondents felt this would lead to more matters being escalated to LeO and the SRA:

‘Whilst I agree that all clients must have easy and accessible information on how and when to complain, I don’t agree that it’s sensible to provide complaints information upon conclusion of a matter as this risks inviting complaints that may not otherwise have been raised with a firm. In turn, this also risks an increase in complaints escalated to both the SRA and the Legal Ombudsman, where clients do not agree with the findings of a firm.’

### **‘Conclusion’ of a matter**

Several respondents had concerns about how to define the ‘conclusion’ of a legal matter. A professional representative organisation stated:

‘The interpretation of the term ‘conclusion of the legal matter’ could also vary, depending on the type of work in question and the processes involved. If interpreted literally the proposal could lead to multiple (unnecessary) communications for

institutional and corporate clients where repeat instructions often occur. There would need to be some adaptation of this proposal to accommodate these kinds of situations and/or clients.'

## **Supportive responses**

A small number of respondents agreed with the proposal. The LSCP stated:

'Yes, the Panel fully supports this proposal. As noted above, there is ample evidence showing that the current information remedy is not working and has not been working for many years. It is unacceptable that 51% of consumers do not know how to make a complaint, this must be addressed with mandatory requirements. Consumers have already noted in both the client care research and in the Legal Ombudsman's research with Community Research that they would find it useful to obtain communication on how to make a complaint at varying points, the SRA should give effect to this.'

## **Supportive respondents' suggestions**

Other supportive respondents made suggestions. ACSO stated:

'We believe that the proposals... will allow more opportunity for consumers to be able to complain at key stages of their journey and that by doing so leads to continued confidence and trust in the profession as a whole. However, while ACSO supports the above proposal, we are also mindful that expanding this definition may impact firms significantly in respect of existing systems in place that would have to be changed in order to cater for the above proposal, e.g. firms which rely on system-led letters or processes. As a result, such firms should be allowed additional time to adjust and comply with these requirements.'

They also stated:

'Caution should be exercised when opening such opportunity for complaints in circumstances where a complaint may not otherwise exist. It may be useful to consider that in order to overcome the potential hurdle of 'inviting complaints' at key stages of the client relationship, to instead consider customer service questionnaires at each key stage to ensure that consumers' interests are protected and maintained throughout the relationship while being fair to providers and not inundating them with 'complaints' that could be resolved by other means.'

Questioning the timing within a client matter of our proposed requirement, LeO stated:

'The timing of communications is crucial. Almost a quarter (24%) of the complaints we accepted for in-depth investigation in 2024/5 related to communication... When sent, the documents will also have had different perceived importance for provider and consumer... Rather than waiting until the very end of the retainer, there are natural points earlier in the client journey, such as an exchange of contracts in conveyancing, or shortly before trial – where a reminder of the key information and an invitation for positive or negative feedback could be more effective. This would allow service providers to understand what each consumer perceives as good service, and to address any misunderstandings and examples of ongoing poor service before they escalate into complaints.'

## **Vulnerable clients' needs**

Because of the variety of views on Q1 in relation to this theme, this section pulls together responses which addressed this theme.

### **Vulnerable clients' needs – supportive views**

Some respondents felt that providing complaints information again at the conclusion of a matter may help vulnerable clients. As noted above, the LSCP was concerned that some firms' current communications:

'...fail to meet the needs of the most vulnerable, leaving many consumers disempowered at the very moment they need support.'

As noted above, LeO said there was a gap in the perceived importance of these documents between provider and consumer. Their concern is that some clients may not retain or understand the complaints information from initial documentation.

'We regularly see the provider has referred to these documents in dealing with a complaint, but the consumer has not remembered them or understood the relevance.'

LeO also argued that providing this information at more than one point (ideally before the very end) can reduce escalation by addressing issues early.

'We would argue that clients who are not confident to challenge their lawyer or raise dissatisfaction will not benefit from a reminder at the end of a matter... It is much better that firms hear from consumers during the retainer than at the end...'

### **Vulnerable clients' needs – opposed views**

A large number of respondents who were opposed to the proposal to provide complaints information at the end of the matter, did not mention the needs of vulnerable clients. One respondent stated that they did not have concerns about the ability of vulnerable clients to complain, saying that clients will usually have been dealing with a firm for some months. In answer to our question 9 on our draft equality impact assessment, the Law Society stated:

'The regulatory burden of complying with any new requirements, is likely to take valuable resources from the core work of such firms which may exacerbate problems. In turn this may have a greater impact on the often vulnerable and underrepresented communities smaller firms serve.'

One respondent suggested:

'Has the SRA given any thought to carrying out research on the needs of clients in different size firms and the nature of the client base, work types etc...?'

## **Question 1b**

'Do you agree with our proposal to expand 8.3 of our Code of Conduct for Solicitors, RELs, RFLs and RSLs, which will also apply to firms under section 7.1 (c) of our Code of Conduct for Firms, to include that complaints information must be provided to clients upon request?'

## Overview of responses

- Most respondents agreed with the proposal. Some stated that they already comply with such requests as part of good practice.
- Some respondents who believed that complaints information should be provided to clients on request had doubts as to whether a rule change was needed, stating that this is already common practice, and/or that it is covered by existing rules.
- A few respondents disagreed with the proposal, stating that it was unnecessary and burdensome.

## Supportive Responses

Many respondents agreed, saying that providing complaints information upon request is good practice and reflects their professional responsibilities. Some stated that they agreed with the change, or had no objection to it, because it is already included in their terms of business, their websites and their initial client information. Surrey Law Society said:

‘Yes. This is broadly supported in principle and already common practice among our members. Providing complaints information on request is seen as proportionate and client-focused, without placing an undue burden on firms.’

A law firm stated:

‘Yes, this is sensible, and firms should not have any reason not to do so. This would then allow for the complaints information to be provided at the outset, on request, and via the firm's website if they have one.’

The LSCP said:

‘This is a straightforward expectation aligned with principles of transparency, accountability, and consumer empowerment. Ensuring consumers can easily access complaints information when they ask for it respects their right to be informed and supports early resolution of issues, in line with good regulatory practice.’

## Doubts about the need for a rule change

Many of the respondents who agreed that firms should provide complaints information to clients on request, doubted that a rule change was needed. Some said it was already widespread practice and did not need a rule, for example the Law Society stated:

‘We agree that complaints information should be provided to clients upon request. We are confident that in such circumstances most firms already provide the relevant information. We therefore do not consider the proposed amendments... to be necessary, unless the SRA can point to evidence of extensive failure to do so by firms.’

Birmingham Law Society stated that guidance, rather than a rule, would be an appropriate regulatory intervention:

‘Yes. Where a client requests information on how to make a complaint this must be provided... It is not understood why this provision is made as a matter of professional

conduct rather than in guidance. The SRA should provide an explanation as to why the matter is considered so serious as to require a professional conduct rule.'

Another respondent said:

'Yes, but the Legal Ombudsman Scheme Rules already require this - complaints should be acknowledged within 2 working days as good practice and a copy of the firm's complaints procedure must be provided.'

## **Opposed responses**

A small number of respondents opposed the proposal. An anonymous respondent said that requiring solicitors to provide complaints information on request was an unnecessary administrative burden. Another respondent stated that it was outside the remit of the SRA.

Another respondent said:

'Complaint information does not necessarily give an indication of the service/attitude of the firm, but it does give an indication as to their clients and how more likely they are to make a complaint.'

## **Question 1c**

'Do you agree with our proposal to expand 8.3 of our Code of Conduct for Solicitors, RELs, RFLs and RSLs, which will also apply to firms under section 7.1 (c) of our Code of Conduct for Firms, to include that complaints information must be provided to clients if a complaint is made during a matter?'

### **Overview of responses**

- Most respondents agreed with the proposal, with some saying that they already do this.
- Some respondents who believed that complaints information should be provided to clients if a complaint is made had doubts as to whether a rule change was needed.
- A few respondents disagreed with the proposal, stating that it was unnecessary and burdensome.

## **Supportive responses**

Many respondents supported the proposal. These were typical responses:

'We have no issue with firms being required to provide complaints information to clients if a complaint is made during the course of the matter. We usually provide this when acknowledging the complaint so that the complainant is aware of the likely timeframe, and what steps are available if we are unable to resolve the complaint.'

'Yes, this is something that we currently do, it would seem sensible to make it mandatory.'

Some respondents who agreed with the proposal called for additional guidance regarding the retainer.

‘Yes and it should also include guidance as to whether the firm should persist with the retainer. In other words if someone wishes to complain it should be made clear that the firm should cease acting.’

‘Yes. This is common sense that a client has access to this information. However, in probate/trust/joint property matters a complaint by one party would prevent the firm from continuing in their instructions because they would be conflicted.’

One supportive respondent made a point regarding the idea of a ‘complaint’:

‘Yes, provided a clear distinction is made between [what is] a true complaint and clients merely expressing mild dissatisfaction. It would not be appropriate to exacerbate a situation by providing complaints information when a simple conversation might suffice.’

### **Doubts about the need for a rule change**

Many respondents said that while they agreed that firms should provide complaints information if a complaint is made during a matter, a rule change is unnecessary. For example, Oldham Law Association stated:

‘It’s our understanding that law firms in Oldham provide the complaints procedure when a formal complaint is raised and therefore do not consider the proposed amendments... to be necessary. Law firms can assess the situation themselves to see if they need to provide the information again, we do not agree with there being a requirement to provide such information again... Client satisfaction is the business model for most firms. It is important that unnecessary complaints are not encouraged as it will make firms far too cautious which will have an impact on access to justice.’

The Law Society said:

‘If a formal complaint is raised during the retainer, then we agree that complaints information must be provided to clients. The majority of firms would provide the information in these circumstances and we therefore do not consider the proposed amendments to paragraph 8.3 of the Code of Conduct (Annex One) to be necessary, unless the SRA can point to any evidence that suggests that firms are not doing so. However, if an informal query is raised, which is capable of being easily resolved, we do not think that there should be a requirement to provide such information again.’

Another respondent said:

‘We agree that complaints information should be provided when a formal complaint is raised during the retainer. The Legal Ombudsman already has the authority to award compensation for non-compliance with complaints procedures, including failure to provide this information. However, the consultation lacks supporting data to demonstrate a significant risk of non-compliance or that such awards are being made on this specific basis, calling into question the necessity of the proposed change.’

### **Opposed responses**

A small number of respondents disagreed with the proposal, saying that it was not needed. Anonymous respondents stated that it was an unnecessary regulatory requirement because every client will have already been provided with information at the start of the matter.

Another respondent said:

'No this is of no concern to the individual. The complaints policy should be provided on request but nothing more.'

### **Question 1d**

'Please add any comments that you have on when complaints information must be provided to clients.'

### **Respondents' comments**

A number of respondents took the opportunity to reiterate comments about the perceived drawbacks of our proposals, especially in respect of providing complaints information at the conclusion of a matter. Surrey Law Society stated:

'Members are overwhelmingly in favour of clear, accessible complaints information being provided at the outset and if a client expresses dissatisfaction. However, there is strong resistance to expanding the obligation to include sending this information again at the end of the matter... Firms are concerned about increasing administrative burdens and the risk of 'information overload' for clients. Many feel that constant signposting to complaints procedures can have the unintended effect of undermining goodwill and inviting trivial or opportunistic complaints, particularly in sensitive or cost-related contexts.'

Liverpool Law Society said:

'In the experience of members there is little reason to believe that clients withhold concerns and complaints about the handling of their legal matters as a result of a lack of access to information about how to raise a complaint... there is a concern that repeated, unprompted provision of information about how to complain may simply serve to encourage unjustified complaints... causing those complaints made with justification to be dealt with less promptly. Overall the Liverpool Law Society was concerned about the lack of evidence base for the proposed changes and that the changes represented an increased burden on law firms, especially small and rural law firms, without sufficient justification.'

Other respondents made these comments:

'All clients should be informed at the start of a matter and if a complaint arises during a matter. However, providing further information at the conclusion of a file simply adds to our administrative burden further, gives the perception that this is something the client 'should think about'. We are one of the most heavily regulated services available to clients; we are officers of the Court and by our very definition we are professional and upstanding individuals. We are being strangled by the red tape of the SRA compared to companies offering almost the same services that operate outside of the SRA regime.'

'It has to be provided at the outset. It is simpler to have the information in one document in one place. Requiring it to be provided more frequently adds to the cost, creates additional work (all of which will be paid for by clients through increased fees) and adds to the amount of paper so is damaging to the environment.'

'I cannot think of any other service provider that invites complaints on completion of a service.'

‘We believe it is appropriate to provide complaints information when a client is clearly making a complaint or expressing genuine unhappiness with the service. However, doing so in response to every minor grumble or momentary dissatisfaction risks escalating issues unnecessarily and may strain the client relationship. A proportionate and context-sensitive approach is more effective in supporting good outcomes.’

Manchester Law Society said:

‘These proposals only address the position in relation to clients – in many instances, complainants are non-client consumers such as beneficiaries or other third parties who complain and take up a huge amount of time and cost to businesses in dealing with them. We think the SRA and LeO should give further thought to the current scope and remit of the Legal Ombudsman – why, for example should beneficiaries be able to complain against solicitors where their grievance should be against the executors?’

The LSCP stated:

‘The timing of when complaints information is shared with clients should be determined with reference to consumer research and behavioural insights. Evidence-led policymaking is critical here, particularly in understanding what triggers consumers to seek redress and how best to support them at those decision points.’

## Question 2a

‘Do you agree with our proposal to expand Rule 2 of our Transparency Rules to state that complaints information published under this rule must be clear and accessible and in a prominent place on a firm's website?’

### Overview of responses

- Most respondents support a requirement for complaints information to be clear and accessible.
- However, many respondents were concerned about the requirement that information be in a ‘prominent place’.
- Some number of respondents were opposed to the proposal.

## Supportive responses

Most respondents agreed that complaints information should be easy to find and understand. The Law Society stated:

‘Yes, we support the SRA's proposal to require complaints information to be clear, accessible, and prominently displayed. In our response to question 2 of the LSB's first-tier consultation we stated: - ‘...we support the proposed amendment that firms' complaints procedures should be more prominent and accessible to all clients for the purpose of transparency, fairness and in the public interest. Our views align with the findings in the Complaints Transparency report commissioned by LeO, which highlighted that many consumers struggle to locate complaints procedures on firms' website and therefore need to be accessible and more prominent. The SRA's Publishing complaints procedure guidance, developed with the assistance of LeO,



might be extended to ensure, for example, that there is a link prominently displayed on all firms' websites to their complaint's procedure'.'

LeO said:

'Yes. We share your views on this issue and agree with you that the prominence of the information on the website is critical.'

The LSCP stated:

'Yes, we agree. Given the scale and persistence of the problem with accessibility of complaints information, requiring it to be clearly visible and in a prominent location on providers' websites is the absolute minimum necessary. This proposal partly addresses a long-standing issue regarding obscured or overly technical complaints pathways.'

ACSO said:

'ACSO supports the proposal to ensure that complaints information is clear, accessible and in a prominent place, this includes ensuring that where necessary, a firm places such information clearly on its website. ACSO also welcomes the accessibility and format of such a proposal and understands that information on complaints-handling may be difficult to find in some circumstances and therefore, by signposting, a consumer would be able to access such information should they need it. In turn this will maintain trust and confidence into the profession as a consumer feels comfortable complaining about service they have received should it be unsatisfactory.'

A professional representative organisation stated:

'We support this proposal. Publishing complaints handling information in a prominent place on a firm's website seems sensible.'

Other supportive respondents said:

'Yes we agree. This ensures that complaints information is clear, accessible, and prominently displayed on a firm's website supports transparency and helps clients understand their rights and the process for raising concerns. This aligns with good practice and promotes trust in legal services.'

'We have no issue with this proposal as we already have information which can be accessed with a single click from our home page.'

### **Concerns about 'prominent place'**

Many respondents were concerned about the 'prominence' requirement. Birmingham Law Society stated:

'Whilst it is agreed that the information must be published on a firm's website so that it is easy for clients to complain, it is not agreed that this must be clear, accessible and in a prominent place on a firm's website. The reason for this is that there is no guidance on what is a 'prominent place' nor what is meant by 'clear and accessible'. Most websites follow an established pattern that users have become familiar with. The SRA should specify that this should appear at the foot of the home webpage so that there is consistency across the profession. This will mirror the SRA's own

website where 'Complaints about our service' appear at the foot of the SRA home webpage.'

However, many respondents agreed with our proposal regarding the words 'clear and accessible' – their concerns were focused on the word 'prominent'. Overall, they raised the following concerns:

- Lack of clarity on what 'prominent' means.
- A concern that this means placing complaints links on the homepage, which may be inappropriate for branding or practical reasons.
- Risk of appearing to invite complaints unnecessarily.

For example, Liverpool Law Society said:

'It is agreed that information should be clear, accessible and in a prominent place on firm's websites. There does seem to be a lack of clarity as to what is meant by 'prominent' in this context and it was felt that the definition in the LSB's statutory guidance was appropriate.'

Doncaster and District Law Society said:

'It depends what is meant by 'in a prominent place'. Google searching suggests that many law firms have a link to 'complaints information' on their home pages. This is sufficient.'

Another respondent stated:

'I agree the complaints information should be clear and accessible but I see no reason why it needs to be in a so-called prominent place on the website. How is prominent defined? Would this not also encourage clients to complain where no complaint is justified? It creates a negative impression of a firm if the first thing a client sees is how they can complain.'

## **Requests for flexibility and/or guidance**

Several respondents stated that they supported the intention behind the rule but urged us to allow for flexibility based on firm size, website design, and client base, and provide non-prescriptive guidance, particularly on 'prominence' with practical examples. For example, Surrey Law Society stated:

'A majority of our members support this proposal. They agree that complaints information should be easy for clients to find and understand. However, a significant minority expressed concern about the potential for overly prescriptive definitions of 'prominent' that could limit flexibility in website design or create unnecessary burdens, especially for smaller firms.'

Another respondent said:

'We agree that complaints information should be clearly displayed on firms' websites. However, we believe the regulator should provide specific guidance or examples of what would be considered a 'prominent display' to ensure consistency and avoid uncertainty. For example, does this mean the information must appear in the header bar, or would a clearly labelled link in the footer or on a dedicated 'Contact' or 'Client Care' page be sufficient? Clear parameters would help firms meet expectations without over-engineering their websites.'

## **Opposed views**

Some respondents disagreed with the proposal. Oldham Law Association stated:

‘Current guidelines are sufficient and it should be down to the firm to decide where to publish the information. A lot of small firms state that they do not have a website as they do not want the added bureaucracy, this means that they are disadvantaged in terms of their financial growth. If a firm has a website, it is down to the individual firm to decide where the information is published - what matters is that the information is clear, concise and easy to find.’

Another respondent said:

‘No. The complaints policy should be provided on request. It is absurd to be begging people to complain. It is not reasonable to provide this information on the website.’

## **Question 2b**

‘Please explain the reasons for your answer.’

## **Supportive views**

In addition to the comments under question 2a, some respondents added these reasons in favour of the proposal.

‘Potential Clients will be reassured that the Firm takes complaints seriously. Existing Clients can use the website to check the position if they are considering making a Complaint.’

‘Many, if not most, clients search for information online and it is reasonable to expect that the firm's complaints policy is readily available and accessible on their website.’

‘We think this strikes a balance between the need to provide complaints information to clients and third parties and the primary function of a website as a marketing and business development tool.’

‘The above approach is proportionate and sufficient.’

‘Transparency and to give confidence.’

As with question 1a, some respondents questioned the ‘prominent place’ requirement.

‘Complaints information should be on a firm’s website and in a way that is accessible, but it doesn't need to be prominent. Websites are for sharing information and promoting the good work that the firm will do. The firm shouldn't have to promote the fact that clients can easily complain about their service.’

‘We are always keen to hear from clients who have feedback about our service and are committed to making changes where we feel we could be doing better. However, it is worth remembering that there is a significant volume of clients at all law firms who are satisfied with the service. The proposal appears to be prescribing a process for the very small percentage who are not. As a result there has to be a sensible balance to making the information accessible without it being the first thing or last thing a client or a prospective client sees.’

Some respondents gave reasons against the proposal:

‘Placing information about complaints in a prominent position (e.g. at the top of the home page) may give a poor impression of the firm to new and existing clients, who may interpret it as a sign that the firm experiences such a high volume of complaints that it needs to publish complaints information prominently. A quick review of a sample number of bank, insurance and utility companies shows that there is no information about or link to a complaints policy on their homepage.’

Another respondent gave this reason, and a suggestion:

‘My view is that if it is on the website and a client goes there first without engaging directly with you then you lose the opportunity to chat things through. A lot of niggles can be ironed out very quickly. There is a danger that those positive opportunities are lost. As a middle ground I think the website should have a feature where you provide your email address and it automatically sends out the information at that point, or if you want to download it, you have to provide your email. That way the Solicitor can monitor those requests and someone can immediately get in touch with the client to understand what is wrong.’

Doncaster and District Law Society stated:

‘Most firms home page footers (which stay as you navigate through the website) have a link to click for ‘complaints’. This is not replicated in other professional service websites suggesting that solicitors go above and beyond other professions in making it easy and accessible for clients to complain.’

## Question 2c

‘What are your views on us mirroring the wording we have in our guidance on transparency in price and service about prominence?’

### Overview of responses

- Many respondents supported the idea of mirroring the wording, saying that it would promote consistency across the rules, help firms understand and comply more easily, and that familiar wording would reduce confusion.
- Some respondents felt that the wording was appropriate for guidance but should not be incorporated into a rule
- Some respondents were opposed to the mirroring, feeling that it was over-regulation.

## Supportive views

The Law Society stated:

‘The wording in the guidance on transparency in price and service is clear and unambiguous so we would support it being mirrored in Rule 2 of the Transparency Rules.’

LeO said:

‘We support this consistency of approach.’

Manchester Law Society said:

‘It makes sense to mirror wording used already for consistency reasons.’

Other typical supportive responses were:

‘The existing guidance on transparency in relation to price and service is articulated clearly. We therefore support the proposal to incorporate similar language into Rule 2 of the Transparency Rules. Aligning the rule with established guidance promotes consistency across regulatory instruments, enhances clarity for firms, and supports more effective compliance.’

‘Consistency in the guidance is likely to assist firms, and we agree with this proposal.’

The LSCP said:

‘We do not object to mirroring existing guidance wording on prominence. However, we encourage the SRA to review its current evaluation activity to assess the effectiveness of the transparency rules on price and service before finalising this approach. If the evaluation demonstrates positive consumer outcomes, then alignment strengthens consistency across regulatory frameworks; if not, this warrants further scrutiny.’

### **Supportive responses with concerns**

ACSO said:

‘As above, ACSO agrees with the proposals and understands that such action should motivate firms to ensure that they comply with such requirements. However, we do have concerns surrounding the ‘prominence’ aspect of the proposal. This is on the basis that, part of the rules appear to have a subjective element to them, for example ‘place that is easy for members to locate’ and ‘clearly signposted in a way that is easy to understand’. It may be appropriate to tighten the language as to what is ‘clear’ and what is ‘easy to understand’ as it may be difficult for regulators/providers to ensure that they are meeting the guidance as proposed by the SRA.’

Surrey Law Society said:

‘Members generally agreed that mirroring the existing guidance on price transparency would bring helpful consistency. However, it should remain guidance, not a rigid rule, and allow room for firms to determine appropriate placement based on the structure and tone of their website.’

### **Opposed responses**

A number of respondents were opposed to mirroring the wording. These were typical comments.

‘The current guidance on transparency would not be fit for purpose.’

‘I disagree. The SRA need to treat solicitors as responsible adults, not little school children.’

‘The price transparency has done little to encourage/support our profession.’

‘Strongly disagree. Complaints information should be made available if a complaint is raised. Law firms should not have to provide or comply with higher standards regarding complaints than other professional services such as accountants or dentists.’

## Question 2d

'What are your views on us including more information in our guidance on prominence - such as including reference to it not requiring multiple clicks to access or that it should be linked from a homepage?'

### Overview of responses

- Many respondents stated that they welcomed clearer guidance, to aid compliance and consistency.
- Some respondents were strongly opposed, regarding such guidance as inappropriate.

## Supportive responses

LeO said:

'We support your inclusion of this in guidance. Whilst we recognise that increasing the ability to access information about how to complain might lead to an increase in complaints, we have seen from the Legal Services Consumer Panel's research that only 51% of clients who use a lawyer know how to complain. Addressing the latter is the greater need.'

The LSCP stated:

'We support the inclusion of practical guidance to ensure firms understand what 'prominence' means in practice. Explicit recommendations such as avoiding multiple clicks and linking from the homepage will drive consistency, reduce consumer frustration, and support regulatory enforcement.'

The Law Society said:

'The Three-Year Evaluation of the SRA Transparency Rules also said that the research undertaken suggested 'an apparent gap between what firms think they need to do to comply, and what the rules actually require' with significant numbers of firms reporting that their site was compliant when this was not the case. Furthermore, firms in this survey suggested that they would like more support materials and clarity around certain elements of the rules. We would support the SRA including more information in its guidance on prominence, particularly if there is evidence of the knowledge gap referred to in the paragraph above.'

ACSO stated:

'ACSO understands the need for consumers to have understandable and within-reach access to a provider's complaints procedures. However, as above, it may be appropriate for the SRA to be clear on what constitutes as 'prominence' e.g. complaints information being linked to the homepage. ACSO would like to know that such examples would be communicated with providers and be mindful that this may include some significant changes to a firm's process. Nevertheless, ACSO also understands that a website which clearly directs a consumer to the complaints procedure, reassures such an individual that this firm is open to receiving complaints and the process would be handled efficiently and without ill intent is welcome.'

Other supportive comments included:

‘We would strongly support the provision of more specific guidance from the regulator, including worked examples, to help firms clearly understand how to meet expectations. This would promote consistency across the profession and reduce the risk of misunderstandings or inadvertent non-compliance.’

‘More guidance would be appreciated to make sure the firm complies with the SRA requirements and removing any potential ambiguity.’

‘Provided that it is guidance and not mandatory then we would have no objection. It would be helpful if it included practical examples.’

## **Opposed responses**

Some respondents were opposed, raising concerns including:

‘I think that the more you try to set out exactly where these links should be, the easier it will be for firms to fall foul of it. It's like trying to define ‘reasonable’ - best not to.’

‘No more ‘guidance’ is necessary and that which exists merely undermines the status of the profession.’

‘Unnecessary and pointlessly rigid interference in private businesses, especially if there is an obligation to provide the complaints procedure on request.’

## **Question 2e**

‘What are your views on us including more information in our guidance on how firms or freelance solicitors that do not have a website should provide complaints information? Please give reasons for your answer and tell us what would be helpful to include.’

### **Overview of responses**

Views were divided:

- Many respondents were supportive of guidance on this, because they still need to provide complaints information and deal effectively with complaints.
- A smaller number of respondents felt that there was no evidence that specific guidance was needed.

## **Supportive responses**

LeO said:

‘We support this, recognising that a website is a business decision for each firm. We would be happy to collaborate with you on a future edition of the guidance.’

The LSCP stated:

‘We agree that firms and freelance solicitors who do not maintain websites should nonetheless be required to signpost complaints effectively. The Panel urges the SRA to work in collaboration with the Law Society and others to compile illustrative examples of good practice, particularly for printed materials or direct communications. How information is presented is as important as the fact of its

inclusion and this should be informed by consumer testing and behavioural design principles.'

ACSO said:

'It is important to ensure that consumer's interests are maintained in circumstances where there are freelance solicitors and/ or firms without a website and to this avail, ACSO welcomes any suggestions by the SRA which promote such information being clearly accessible. ACSO looks forward to viewing guidance which assists the consumer and shows that all appropriate information is provided to a consumer regardless of the set up of the entity providing the legal services. Some examples could include:

- Placing complaints information within client care letters/ engagement letters; and
- Having a leaflet/email that outlines the complaints procedure.'

Surrey Law Society said:

'Members would welcome more practical guidance for firms without websites, particularly around appropriate formats for providing information on request (e.g. printed handouts, email attachments, or inclusion in client care packs). It would be helpful to clarify that clients should not need to supply detailed personal information to receive it. The current requirement is sufficient in principle, but further examples would be useful.'

Another respondent said:

'Yes this would be very helpful. Everyone has a right to complain about an SRA regulated firm/solicitor and therefore it is only fair that clients are made aware of how to.'

A few respondents did not comment on whether such guidance would be helpful, but stated that consistency across the profession was important.

'I don't work for a firm like this, so difficult to comment, but clients should have the same experience working with a large firm than they do working with a one man band or a consultant within a large consultancy firm for example and this should be fair to all clients/consumers.'

## **Opposed responses**

The Law Society stated:

'This does not appear to have been covered in the SRA's October 2023 report on the Transparency Rules. We presume that such firms and individuals provide the information in writing by post or email. Unless the SRA has evidence that demonstrates a significant lack of compliance with the rules we see no need for further guidance.'

Another respondent said:

'The current guidance states 'The rule requires you to publish information on your website or make it available on request if you do not have a website.'. Is it really envisaged that this would need to be expanded to such a basic level as to spell out to



firms that they could have a printed sheet with information that could be emailed or posted out on request?’

### Question 3

‘What are your views on us including the LSB’s definition of a complaint as a defined term in our Standards and Regulations Glossary?’

#### Overview of responses

- Some respondents were supportive, mainly for reasons of consistency, although even among these, some felt the use of the LSB definition was not unproblematic and/or should be monitored.
- Many respondents who agreed in principle expressed concerns about the breadth of the LSB definition. The most widely expressed concerns were that:
  - minor, easily resolved difficulties could fall within the LSB definition
  - there should be a distinction between complaints about the firm’s service, and client dissatisfaction with matters outside the firm’s control.
- Some respondents were opposed, seeing the LSB definition as too broad or vague.

#### Supportive responses

LeO stated:

‘This definition mirrors the definition in our Scheme Rule 1.6a). As such, we support its inclusion in your glossary.’

Another respondent stated:

‘I think most firms will already know the definition as it is the one adopted in LeO’s Scheme Rules, however it wouldn’t hurt from a consistency point of view.’

A supportive respondent raised this concern:

‘This seems sensible and is how we, as a firm, define a complaint. One consideration would be whether this would impact reporting requirements, as the definition is quite broad and encompasses both formal and informally concluded complaints; would both need to be reported?’

Another supportive respondent said:

‘This would be helpful. We consider it is critical that the SRA provides some worked examples to assist those you regulate in understanding:

- when a complaint has been made and a formal response issued; or
- when complaints information should be provided to a client for the client to provide more information about their dissatisfaction.

Although this distinction appears straightforward in theory, in practice it can be very challenging.’

Similarly, the LSCP supported use of the definition, but felt it should be monitored:

‘We support the inclusion of the Legal Services Board’s definition as a defined term within the SRA’s Standards and Regulations Glossary. This promotes regulatory coherence and provides clarity for consumers and providers alike. Nevertheless, the definition’s effectiveness should be monitored, particularly in terms of whether it facilitates appropriate reporting and resolution of consumer issues.’

### **Doubts about the definition**

The concerns mentioned above were voiced more strongly by many respondents. Devon and Somerset Law Society said:

‘We believe a clear definition of a complaint would be helpful. It has been expressed that whilst the LSB’s is useful it would help if it were focused on complaints of service.’

ACSO said:

‘While ACSO supports the element of transparency in including a definition into the SRA’s Standards and Regulations Glossary... we do also have some concerns surrounding the balance between consumer dissatisfaction and a formal complaint. The above definition is wide and therefore by inserting it as a defined term, allows for what may have been intended as a mere expression of dissatisfaction to become an official, formal complaint.

They made this suggestion:

‘ACSO suggests that the SRA is mindful of proposing to insert such a wide definition and possibly make provisions for more minimal expressions of dissatisfaction that are not intended to be complaints... to have a balance between the two would give more opportunity for a client who has mere discontent, and wishes to express this... a consumer’s interests are protected and they do not need to get involved in a full complaints procedure should they not wish to. It also provides an element of fairness to a firm, should their complaints data be published and reduce the number of complaints that may appear within such data.’

A professional representative organisation said:

‘It seems sensible to adopt the LSB’s definition from the section 112 requirement, provided that this relates to complaints made by clients. However, we raise for consideration whether practitioners should be afforded a degree of discretion to categorise some complaints as vexatious or frivolous, which would not therefore require triggering of a formal complaints process. A firm should not have to treat a trivial complaint about a matter unrelated to the actual work being done in the same way as a complaint relating to the work done and service provided.’

Another respondent said:

‘We would agree to an extent, but as we mentioned earlier if a client is alleging a minor inconvenience which can be easily and quickly rectified, it does not seem appropriate to treat this as a complaint. Complaints procedures should be reserved for clients expressing real dissatisfaction with the service provided.’

### **Opposed responses**

The Law Society stated:

The Law Society supports the inclusion of a clear and consistent definition of a 'complaint' within the SRA's Standards and Regulations Glossary [but] ... We do not support the adoption of the LSB's definition as it is currently constructed. Firstly, the definition does not reflect the fact that consumers' dissatisfaction must relate to the service provided by the firm. This is fundamental. Under the LSB's definition we can imagine a scenario in which a conveyancing transaction is delayed by the client's mortgage broker, the other party to the sale, or as a result of registration backlogs at HM Land Registry, and yet an expression of dissatisfaction from the client that alleges that they might suffer inconvenience would – on a strict reading of the LSB definition – justify a formal complaint. Furthermore, we do not consider that the LSB's definition is adequate to deal with real-world problems. For instance, the definition makes no provision about the cause of the dissatisfaction. The complainant may be frustrated by the long delays at HM Courts and Tribunals Service (HMCTS), which is beyond the firm's control and nothing to do with the service provided by the firm.'

The Law Society gave a number of other examples where they considered that the LSB definition would be inappropriate. They went on to say:

'When considering the wording for the definition the SRA might find it instructive to consider the definition of a complaint given by LeO in its Scheme Rules at paragraphs 1.6 in combination with 2.6-2. We caution against an overly vague definition or overly expansive interpretation of the definition that could inadvertently capture routine client queries or mild expressions of discontent that are swiftly resolved without formal escalation to the first-tier complaints process.'

Another respondent said:

'The definition is 'We consider that a complaint means an oral or written expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.' Taking the example of a conveyancing transaction where the client's own solicitor is not at fault for (say) a delay, why should they be punished for that? The definition is too wide. By virtue of the fact people need lawyers for many things, they are already inconvenienced.'

Another respondent stated:

'This is highly patronising. Clients will complain if they are dissatisfied, irrespective of any definitions. They will have their own ideas of what constitutes a complaint and don't need patronising by the SRA.'

## **Respondents' suggestions**

In addition to the suggestions set out within the views above, some other respondents made suggestions to limit the breadth of the LSB definition.

'The definition is very broad and some reference to materiality would be helpful. Clients seek perfection in the service that is provided, often complaining about poor service levels when email correspondence isn't dealt with within an hour or so.'

'I think the definition needs to be reviewed. It doesn't distinguish between a professional indemnity/negligence issue rather than a service issue.'

'The definition would need to reference that the complaint is about legal services provided by the law firm to avoid any ambiguity and to prevent firms dealing with a

complaint about a third party for e.g. an expert, the other side's solicitors or the court.'

#### **Question 4a**

'What are your views on us producing new guidance to help those we regulate meet our requirements on complaints handling? Please give reasons for your answer.'

##### **Overview of responses**

- Many respondents said they would welcome clearer, consolidated, and practical guidance.
- A smaller number of respondents saw additional guidance as unnecessary, potentially bureaucratic or as more appropriately provided by LeO.

#### **Supportive responses**

A law firm said:

'One consistent piece of guidance setting out all the requirements in one place and ensuring this is agreed and refined by all relevant stakeholders, would be useful. Provided it is reliable and clear, it would make our compliance with the expectations clearer and easier for us to follow and adapt where necessary. Currently, there are several places to get the same information, all accessed separately and all worded slightly differently. One place for all with one set of clearly defined wording and explanations would be useful and reduce room for non-compliance.'

Another law firm stated:

'We agree that guidance would be welcome covering the areas identified in the consultation including identifying complaints, information to give and when, communications, accessibility, vulnerable clients and resolving complaints.'

A professional representative organisation said:

'There is broad support across [our] members for the SRA to produce new guidance on complaints handling in the areas identified in the consultation. The area with the greatest support for further guidance concerns supporting vulnerable clients and the signposting of relevant SRA resources. It would be helpful to update and issue guidance to address any changes to the regulatory rules around complaints.'

LeO stated:

'We believe more guidance on expectations and practical help will be of benefit to the profession and we support you on this. Promoting consistency of message, we would be happy to collaborate with you in the production of further guidance, building on the work we are currently doing in this space, including our Model Complaints Resolution Procedure.'

The LSCP said:

'We agree. New guidance that is well-structured, outcome-focused, and rich with examples of good practice will support providers in fulfilling their obligations and

facilitate the culture shift required in complaints handling. This is a timely and welcome intervention.'

ACSO stated:

'ACSO welcomes new guidance in relation to requirements on complaints handling, and it is clear from the survey conducted by the SRA that 70 per cent of firms already use resources produced by other organisations and identifying guidance that have worked for them in the past. ACSO support the examples put forward by the SRA including, identifying complaints, communication and accessibility.'

A professional representative organisation said:

'As to this, and the last point below, consistency and certainty should be a goal, to assist firms and their clients and manage expectations. We are in favour of clear guidance on complaints handling, and consistent with this support the work being done by the Legal Ombudsman on the development of a model complaints resolution procedure.'

The Law Society said:

'Clear, consolidated guidance on first-tier complaints handling would be helpful for both firms and consumers. A single, authoritative source of guidance would reduce confusion, promote consistency in approach, and support firms in meeting their regulatory obligations efficiently. This is particularly important given the diversity of the legal services market, where firms vary significantly in size, structure, areas of practice and client base. We note that the LSB's Section 112 Requirements (2024) place a strong emphasis on transparency, accessibility, and fairness in complaints handling. However, the implementation of these principles must be supported by practical tools.'

They went on to say:

'We recommend that the SRA develop this guidance in consultation with the profession, including the Law Society. This would help ensure that the guidance is practical, proportionate, and responsive to the realities of legal practice. It should also include worked examples, model templates, and FAQs to support implementation.'

## **Opposed views**

Some respondents were opposed to us producing new consolidated guidance. For example, Birmingham Law Society felt that it was outside the SRA's effective remit.

'Given that complaints about legal services are made to the Legal Ombudsman then that organisation is best placed to provide the guidance. The SRA may wish to include links to the Legal Ombudsman guidance, but producing SRA guidance is unnecessary and a waste of money for the profession. Any guidance the SRA may wish to produce should be done in consultation with the Legal Ombudsman.'

A small number of respondents were fearful of guidance increasing the burden on firms, for example one respondent stated:

'It will persecute the small high street firm and penalise it if an i isn't dotted or comma is in the wrong place, but overlook egregious activities of larger practices.'

This respondent felt that guidance could negatively affect legal services.

‘No new guidance is needed. Since you came into being you have inundated the profession with self serving guidance and regulations, none of which has improved service to clients and most have which have sought to undermine the dignity and status of the profession.’

#### **Question 4b**

‘What are your views on us combining our new guidance with our existing guidance on publishing complaints procedures? Please give reasons for your answer.’

##### **Overview of responses**

- Many respondents supported combined guidance for clarity and ease of reference.
- Some respondents were sceptical about the value of combined guidance, with a few wanting the two sets kept separate, or seeing the exercise as unnecessary.

##### **Supportive responses**

Oldham Law Association said:

‘All material should be consolidated so that it is easy to follow.’

Liverpool Law Society stated:

‘The Liverpool Law Society has no objection to this provided that the new guidance is consolidated with the existing guidance and that the combined document contains consistent terminology.’

ACSO stated:

‘ACSO welcomes additional guidance that expands existing guidance. By doing so, this allows more of an opportunity for firms to incorporate their own publications of complaints procedures that align with their business structure and how they address their consumers. By promoting guidance from other organisations such as the Legal Ombudsman and The Law Society, this allows for more flexibility in what a firm can publish on its own domains in relation to complaints handling but also allows more guidance and scope for consumers who wish to exercise the complaints procedure.’

Other respondents said:

‘Agreed on the basis this won’t include any duplication. Alternatively, consider existing guidance and whether this needs to be incorporated in the new guidance. Firms already have complaints information obligations and if this is made too onerous, you may have firms who just don’t comply, whether inadvertently or deliberately.’

‘It seems reasonable that all complains information/requirements should be in one place and not multiple different ones. It should be easy to access and easy to navigate - with a comprehensive index that allows you to jump to relevant sections.’

The Law Society felt that a new document was needed:

‘A single, comprehensive guidance document that explicitly supersedes previous guidance would significantly improve accessibility and usability for firms.’

The LSCP made a similar point:

‘We do not support combining new guidance with the existing publication on complaints procedures. The SRA should take the opportunity to reset and reshape the complaints landscape with a clear focus on desired regulatory outcomes. One cohesive document, with clarity of vision and purpose, will be more impactful than a layered or fragmented approach.’

## **Opposed responses**

One respondent was keen to keep any new guidance separate:

‘We would prefer to keep the two separate. The publishing of complaints procedures should be straightforward and easily accessible. The guidance we would like as a firm is likely to be much more voluminous and could take the form of Law Society Practice Notes so that issues can continually be raised and guidance provided upon.’

Another respondent stated:

‘Keep matters as they are. We are already under various obligations to our clients, how is this to the benefit of the clients?’

## **Question 4c**

‘Do you have any suggestions for areas we should include in guidance we develop to help solicitors and firms understand our requirements and how to meet our Standards and Regulations in relation to complaints? If so, please give details.’

### **Overview of responses**

- There was a broad range of practical, often detailed, suggestions from respondents.
- A few respondents expressed concerns about the expansion of guidance.

## **Respondents’ suggestions**

These suggestions for guidance topics in relation to complaints, set out by theme, were made by respondents:

Suggestions for developing the guidance:

‘My suggestion is that you consult with COLPs over a variety of different practices, starting with those who have little interaction with LeO as this suggests that they are managing complaints in house very well. What do these firms do to satisfy disgruntled clients?’

‘We would be happy to collaborate with you in the production of further guidance, building on the work we are currently doing in this space, which includes guidance on handling complaints.’ (LeO)

Suggestions for advice on best practice and what constitutes poor service:

'Detailed examples that are as exhaustive as can be as to poor service. For example is 40 working days to respond to an email acceptable for a Solicitor or over a year to acknowledge receipt of a complaint?'

'I think FAQ and best practice scenarios are good.'

'Case studies illustrating best practice in early resolution. The role of tone, empathy, and clarity in effective complaints responses. Signposting external redress mechanisms clearly and consistently. Handling complaints from vulnerable consumers or those with additional support needs. (the LSCP)'

'The areas suggested in the consultation are a useful starting point, particularly if examples were provided of what constitutes prominent placement on a website, and also of clear, plain, appropriate language.' (Law Society)

Suggestions related to the complaints process:

'Members suggested the following areas would be particularly helpful:

- Clear examples of what constitutes a complaint (vs. general dissatisfaction or trivial issues)
- Practical thresholds for 'financial loss, distress, or inconvenience' to avoid over-reporting
- Template responses and model complaints policies
- Guidance on complaints from vulnerable or distressed clients
- Clarification on when a complaint might require SRA self-reporting
- Distinguishing between complaints and regulatory concerns
- Encouragement of proportionality and professional judgement in responding
- Some members urged the SRA to recognise the increasing misuse of complaints as leverage over fees and to adopt a more balanced approach in its tone and treatment of both firms and complainants.'

'Clearer guidance on the use of representatives for complaints handling purposes would be useful. Likewise for confirming the complaint issues have been correctly understood by the firm before the investigation into the complaint begins. It is occasionally necessary for a representative of a client to help the client raise a complaint. Currently, it is left to a firm to decide how to record and control that representative authority. Further guidance on the use of representatives would be very useful. This should include who can and cannot be used a representative, the fact that even when a representative is used, the firm would still like confirmation from the client directly that the heads of complaint and key issues are theirs and not those of a third party or representative. Given the fact firm's having to handle these complaints, do not charge for their investigation (which can be substantial) it seems fair and reasonable to ensure that those complaining, and supporting those complaining, have some guidance on how it is expected they will engage with the process themselves.'

'We suggest that the guidance includes clear expectations around timeframes for handling complaints. This would support firms in managing complaints within a structured and consistent schedule and provide clients with a timeframe during which they could expect to be contacted/responded to. Additionally, we suggest including guidance on appropriate remedies and compensation for resolving complaints. While we acknowledge that the Legal Ombudsman provides information in this area, it



would be helpful for the SRA to expand on this or offer clarification where necessary, particularly in relation to regulatory expectations. We would suggest including guidance around handling complaints for vulnerable customers, including; they have been identified as vulnerable, any adjustments have been discussed and adopted where possible (including but not limited to alternative methods of communication and liaising with a representative).'

'The areas we would welcome guidance on are as follows:

1. The issue set out in our answer to Q3: we have responded to an expression of dissatisfaction as a formal complaint and the client has advised that they didn't actually want to complain.
2. Complaints from third parties - examples are someone who is not a client, but who for various reasons is paying the firm's invoice.
3. To what extent does the firm need forms of authority/ reach out to other individuals in circumstances where say one of ten beneficiaries is complaining - do we need to notify the remaining nine that one has complained? Obviously if there is an issue, we will advise the others, but if the complaint has no merit?
4. Guidance on apportioning remedies is needed/ necessary?
5. Further guidance on appropriate remedies.'

Suggestions related to the SRA-LeO relationship:

'I've always thought that it is adequate to ask firms to abide by the Legal Ombudsman Scheme Rules, but if reiterating those rules in the SRA's Standards and Regulations is judged to assist firms, then you should.'

'I'd suggest some guidance around the need to ensure that where a client remains unhappy with a firm's final response to a complaint, this is correctly escalated to the Legal Ombudsman and not the SRA in the first instance. (perhaps with some standard wording/advice for clients) This should help to reduce the number of complaints that are incorrectly escalated to the SRA when they should be with the Legal Ombudsman.'

Suggestions for guidance on specific topics:

'Yes, please can you do guidelines on lien and termination of retainers. If there are court deadlines which could potential be missed because a firm refuses to release a file for no specified reason more guidance is needed on this. If a case is at court then a firm should not be allowed to just abandoned a client. If a retainer is terminated then clear guidelines should be given to the client by the firm and the advise should not just be 'find another Solicitor'. It may not be so straightforward and also even if they find a Solicitor are the previous Solicitor going to release the file. The firm should assess and inform the client as to what is left to do on the file. If the case is at court and there is an upcoming hearing they should advise the client on how to adjourn the hearing or at least provide them with a guide. More guidance is needed and shorter timescales when dealing with termination of a retainer when a case is at court.'

Suggestions for guidance in areas of practice where complaints are more common:

'There should be a focus and guidance in those areas where law firms are falling short.'

'We also think that guidance could usefully focus on the areas of law where there is evidence that the profession may be falling short in first-tier complaints handling. If guidance were directed towards practitioners in those areas, using examples of good and poor practice, clearly demonstrating why that area is not performing as well as other areas, and promoting good practice from other areas, this would be likely to improve performance, whilst complementing the more general guidance aimed at all solicitors. It would also assist representative bodies in targeting communications about the requirements and best practice to key groups. By way of example, the Legal Ombudsman 2023/24 annual complaints data and insight found inadequate first-tier complaints handling in 61% of the immigration cases it considered. Although less than 5% of all complaints to LeO related to this practice area, 80% of such complaints were upheld. In residential conveyancing the figure for inadequate first-tier complaints handling was 56%, and in wills and probate the figure was 48%. It is arguable that practitioners in these areas, the three poorest in terms of first-tier complaints handling, would benefit most from targeted and specific guidance. However, it is important that LeO is clear why it considered the complaints handling in these practice areas to be inadequate, in order that any guidance produced can be as impactful as possible.' (Law Society)

#### Other suggestions:

'Yes, we have several suggestions for areas that would benefit from inclusion in the proposed guidance. The areas outlined in the consultation provide a useful starting point. In particular, we would welcome the inclusion of practical examples illustrating

- what constitutes prominent placement of complaints information on a website, as well as examples of clear, plain, and appropriate language. These would help firms interpret the requirements consistently and apply them effectively in practice.
- In addition, we recommend that the guidance include: Targeted support for areas of law where first-tier complaints handling appears to be weaker. If the SRA has evidence that certain practice areas are underperforming in this regard, guidance should be tailored to address those specific challenges. This could include examples of both good and poor practice, explanations of why certain approaches fall short, and case studies that highlight how improvements can be made. This targeted approach would complement general guidance and help raise standards across the board.
- Clarification on the distinction between informal service issues and formal complaints. Firms would benefit from guidance that helps them identify when a client's expression of dissatisfaction constitutes a formal complaint, and when it may be more appropriately resolved informally. This would support proportionate responses and reduce unnecessary administrative burdens.
- Guidance for firms without websites. Although this may be a smaller segment of the profession, clear expectations for how such firms should provide complaints information, e.g. via client care letters or other written communications, would ensure consistency and compliance.
- Templates and checklists. Practical tools such as sample complaints procedures, checklists for compliance, and FAQs would be particularly helpful for smaller firms and sole practitioners.
- A single, consolidated guidance document that brings together all relevant material would be the most effective format. This would reduce duplication,

improve accessibility, and support firms in navigating their obligations with greater clarity and confidence.'

'The use of AI requires guidance. Solicitors need to be under an obligation to confirm to clients when it is being used. Clients should be given a choice as to whether they want their lawyer to use it.'

'As is noted above, guidance should support the ability to resolve complaints in a proportionate manner and should be targeted at specific issues with complaint handling, rather than a broad approach.'

'It should be as prescriptive as possible to ensure consistency or provide suggested wording or solutions.'

'It is important that you accept that the majority of complaints' handlers do not do that as full time role and have other constraints on their time, so it must not be made too onerous.'

## Concerns

Some respondents did not agree with developing guidance and used this question as an opportunity to express concerns and scepticism.

'Seek to control less, more thoughtfully.'

'I believe that regulation should be cut back. There is too much and time is wasted on this rubbish.'

'Lessen your self-serving requirements and that will remove the need for you to develop anything. There is absolutely nothing you can do or have done that has improved service to clients or enhanced the solicitor/ client relationship.'

## Question 5a

'What are your views on us collecting and publishing timeliness data at firm level?'

### Overview of responses

- Many respondents expressed opposition and concerns. The areas of concern were the SRA's proper remit, the context of published data, the risk of misleading data, the burden on firms, the lack of consumer benefit and unintended consequences. A few also commented that the issue this proposal is intended to address is already covered by LeO's work.
- A small number of respondents were in favour of the proposal.

## Supportive responses

A few respondents supported the idea of collecting timeliness data internally or anonymously, or publishing limited statistics, such as compliance with the 8-week rule, for example:

'Agree that data should be published to show the timeliness of complaint responses (within the 8-week regulatory timescale)...'

‘We wouldn’t have a problem providing our timeliness data to the SRA, but we would have reservations about this being published.’

## **Opposed responses**

Many respondents were opposed to the proposal, because they raised a variety of concerns. The main themes of these concerns were:

- SRA remit
- Context of the data (further comments were made in answer to question 5b)
- Risk of misleading data
- Burden on firms
- Lack of consumer benefit
- Unintended consequences
- Existing safeguards and the role of LeO.

These areas of concern are set out in more detail below.

### **SRA remit**

The Law Society felt that the proposal was not an appropriate regulatory intervention for the SRA, and was not evidence based:

‘In our view, LeO, as an independent body that investigates legal complaints, in relation to first-tier complaints handling, already holds sufficient data which can identify the small minority of firms who do not handle such complaints competently. That data is available to it from the complaints which LeO upholds. LeO has the power to and does actively report firms to the SRA that transgress complaints requirements. Changes to regulation should be evidence based. We have no evidence that publication of timeliness data is necessary or required or of what benefits it would bring to consumers.’

The Law Society also made very detailed comments on questions 5a and 5b in their response, which can be [downloaded from their website](#).

Devon and Somerset Law Society stated:

‘We do not believe that the SRA should publish data in this respect. Complaint handling to meet the demands of a ‘league table’ will not encourage proper investigation and resolution of issues for the consumer. The Legal Ombudsman has responsibility for first-tier level service complaints and is better placed to measure this. We believe publishing data is a complex issue as there are many factors that will affect levels of complaints. For example, some areas of work give rise to a greater level of complaints than others. Any attempt to publish data would have to take this into account to avoid prejudice to firms practicing in particular areas of work.’

A professional representative organisation said:

‘The consultation infers that a practical solution is possible, but the general [view of our members] is that it is neither feasible or proportionate to do this at a firm or individual solicitor level in a way that would be fair to both consumers and solicitors. For example, it is not immediately clear how temporal complaints data could be easily updated where complaints are subsequently found to be invalid, misleading or unfounded. The resourcing implications for the regulator and firms are potentially significant.’

## **Context of the data**

Some respondents stated that timeliness alone is not a reliable or meaningful metric, especially if the data was published without context. Although context of the data is covered in question 5b, some respondents commented on this in relation to question 5a. An anonymous respondent stated that timeliness depends on the legal matter, and therefore any data would be far too general to be meaningful. A law firm said:

‘We caution against [data] publication at firm level - this is not because of the need for secrecy but rather the concern around contextualisation - it might only take one or two complaints to completely distort the picture.’

Many respondents stated that complexity, third-party delays or client cooperation can affect complaint resolution timeframes and the effectiveness of the process.

‘If a firm's complaint handler is under unrealistic time pressure... they may not take the time needed to conduct a thorough review... which may result in inadequate findings.’

## **Risk of misleading data**

Some respondents stated that there would be a risk of misinterpretation or the creation of false impressions:

‘Delays could be caused by the court, third parties, etc. Without context the data may be meaningless.’

Some also stated concerns that data may penalise firms that record complaints honestly, compared to others who under-report or misclassify complaints.

## **Burden on firms**

Many respondents stated that publishing this data would disproportionately affect smaller firms and especially sole practitioners. The Oldham Law Association said:

‘Oldham is an economically deprived area... the law firms are small/medium with sole practitioners... if they are required to provide more data it will be an onerous burden.’

Some also stated that the compliance burden would increase costs which would be passed on to consumers. A typical response was:

‘Additional compliance costs are likely to be passed on to consumers, which may ultimately have a negative impact on access to justice.’

## **Lack of consumer benefit**

Many respondents did not believe the data would be useful to consumers. Some stated that they doubted whether consumers would interpret complaint timeliness meaningfully when selecting legal services, or that it would be of any benefit. Typical views were:

‘I don't see how this could be of any use to consumers. No-one is choosing a firm by looking at how long it takes to deal with customer complaints.’

‘We do not believe this is what the consumer actually wants or needs.’

## **Unintended consequences**

Some respondents stated concerns that publishing the data could:

- Encourage firms to rush responses to meet targets rather than focus on quality
- Lead to gaming of the system (e.g. under-reporting complaints)
- Stigmatise firms working in high-complaint areas of law (e.g. litigation, family)
- Disincentivise thorough investigations

For example, one respondent stated:

‘Complaint handling to meet the demands of a ‘league table’ will not encourage proper investigation and resolution of issues.’

### **Existing safeguards**

Many respondents stated that LeO already monitors and acts on poor complaint handling, for example:

‘LeO already investigates complaints and refers firms to the SRA when necessary. This mechanism is functioning and targeted.’

‘97% of respondent firms complied with the eight-week time limit.’

### **Question 5b**

‘What contextual information would be required to make the information useful to consumers and be fair to solicitors and firms?’

#### **Overview of responses**

- Many respondents were opposed to publishing timeliness data at all, citing risks of misleading consumers, confidentiality issues, and disproportionate effort, for example
- Many of those who supported or conditionally supported publication argued that significant contextual detail would be needed to make the data fair and meaningful to consumers.

### **Respondents’ comments regarding contextual information**

A number of respondents argued that data would be misleading and should not be published, or would require contextualisation. For example Surrey Law Society stated:

‘Members agreed that if data were published, it must be accompanied by clear contextual information to avoid misleading consumers. This could include:

- Explanation of differing complaint complexity and types
- Firm size and resource considerations
- Distinctions between informal dissatisfaction and formal complaints
- Information on complainant engagement and delays caused externally
- Emphasis that speed alone is not an indicator of quality or fairness

Without such context, the data could unfairly damage reputations and incentivise underreporting or misclassification.’

Another respondent stated that weighing up the various factors would itself make the data complex and therefore difficult to understand:

'In order to make the information useful to consumers it is likely that a significant amount of context would be required which might include information (amongst others) about the nature of complaints, the number of complaints received compared to instructions received, the practice areas that the complaints referred to, the practice areas that the firm offers and in some instances information about complaints. There is a risk of a breach of confidentiality here but more significantly that the amount of context required to make the data useful, would make the data extremely difficult to understand leading consumers to rely on any 'headline' non-contextualised data that is published.'

Another respondent said:

'This is an impossible task which is why the data should not be published.'

Respondents mentioned the following factors which should be taken into account if we proceeded with data publication (or, were reasons not to publish data).

### **Some issues outside firms' control**

Some respondents argued that complaints can relate to delays and other issues that are outside law firms' control, including issues caused by the courts, government agencies such as the Land Registry, banks and other parties, for example:

'Many of the issues are outside of the control of the Solicitors and law firms, and lie at the door of delays and incompetence by Government agencies, HMLR, probate registry, court system. Fix that before you start battering solicitors and law firms, otherwise you will just be peddling useless and misleading data and wasting money and resources that could be better spent.'

'Quality of work and efficiency of the transaction is more important than anything else. The problem is that especially with conveyancing that it can only move as fast as the slowest transaction in the chain. Some clients expect us to chase up and down the chain. So defining roles clearly would help.'

### **Different areas of legal practice generate different levels of complaints**

Some respondents said that this was an important factor, for example:

'A firm that does no conveyancing or private client work may have no complaints but a general practice doing all private client work will statistically have more because private clients are more likely to complain from a point of ignorance or understanding.'

'The range of attributes required to provide context are many and varied. For example, one might expect a law firm dealing with volume conveyancing for individuals to attract more complaints than a firm that deals solely with commercial contract matters. It is unlikely to be possible to publish this data in a meaningful way that can be readily understood by those outside of the legal services market.'

Some respondents also mentioned firm size, among other factors, for example:

'Detailed information would be necessary in order to make published data useful and there is a danger of the data being misunderstood, misinterpreted or misrepresented. For example, large firms will inevitably receive more complaints; areas such as conveyancing are likely to get complaints about issues outside the control of the

solicitor; in general, a proportion of complaints are not justified or are made for strategic reasons e.g. in litigation.'

'Metrics by firm size - a large multinational firm may well have far more resources to put to resolving complaints than a small local firm.'

'Data on the size of a firm – including the number of fee earners – would add useful context for consumers.' (LeO)

Another respondent mentioned comparison with other legal services providers:

'The difference between solicitors and other authorised bodies. Explain, for example, how the fees quoted by licensed conveyancers may appear to be lower than those quoted by solicitors but how they are likely to rise over the course of the matter whereas solicitors are more heavily regulated and will be more transparent. Explain how your work benefits consumers rather than making it appear as if we're not also trying to do right by them.'

### **Confidentiality**

Some respondents mentioned confidentiality, for example:

'This is extremely difficult to comply with. Firms are bound by confidentiality obligations, so it is often next to impossible for firms to provide contextual information. We see this constantly with online reviews. Those reviews and complaints are often made by parties who are not our clients with effectively no right of reply from the firm as we are prohibited from adding context in a reply by our client confidentiality obligations.'

### **Responsiveness of the firm**

'If the regulator were to go ahead, we would suggest that the data be limited to the % of complaints responded to within the 8-week period, rather than say 9 out of 10 complaints have been responded to within the 8-week period.'

'Responsiveness of the firm.'

### **Outcome of complaints**

Some respondents mentioned this as a factor. Typical responses were:

'Upheld complaint volumes as a percentage of live caseloads'

'Any data published should be as a percentage of complaints investigated rather than the volume of complaints.'

'Complaints escalated to LeO and upheld.'

### **Question 5c**

'What information about complaints would be most helpful to consumers and why?'



## Overview of responses

There were a very great variety of responses to this question. Most comments and suggestions fell into these categories.

- A variety of complaints data metrics, including upheld rates, reasons, and ratio of complaints to live files.
- Varied suggestions of guidance for consumers on complaints.
- Many respondents took the opportunity to restate that complaints information should not be published as it may be misleading, or may duplicate information from LeO.

## Respondents' comments

### Comments and suggestions relating to metrics

The following suggestions and comments by respondents related to metrics and/or related information:

'It would be useful for the consumers to see the ratio of complaints against the number of live files and the ratio of upheld complaints against lives. Comparing against live files will put the number of complaints into perspective.'

'Publishing only those that resulted in a finding against the firm, but will need to be put in context of the number of clients for example. A firm receiving say 50 complaints in a year for example, will look bad if they only have 100 clients. But if they have several thousand, then actually their rate of complaints is a lot lower.'

'Only ever complaints upheld by the ombudsman are useful and only for a number of years otherwise a firm could be tarnished with historic complaints which are no longer relevant.'

'Helpful Complaints Metrics for Consumers: 1. Complaints Upheld vs. Dismissed 2. Themes or Common Issues 3. Resolution Rate 4. Complaints Escalated to the Legal Ombudsman 5. Client Feedback. Post-Complaint Metrics that may be less helpful: Raw complaint numbers - without context (firm size, case volume) can be misleading. Timeliness alone - may not reflect fairness or quality of resolution.'

'The percentage of all complaints investigated and responded to within the regulatory timescale as this should install confidence that if a consumer needs to complain, this will be taken seriously and that they will receive a response.'

'What the complaints actually relate to. If a client complains about something but it turns out that is not the fault of their representative, that needs to be made clear.'

'I would prefer to limit published data to complaints made which resulted in a regulatory penalty and nothing below that threshold.'

'It would be useful to show the sort of complaints were upheld and why, and what complaints were not upheld/dismissed from LeO or not upheld without reference to specific law firms. There also need to be an understanding by complainants as to the indicative level of award so examples of the amount awarded if a firm's service is

found to be lacking would assist. Doing so may discourage those clients simply trying to have a bill reduction without genuine concern regarding the service provided. It is not uncommon in the legal services sector for a complaint to be raised or for dissatisfaction to be expressed, simply as a negotiation tool for reducing costs. Clearer demonstrations to the consumer of what a genuine complaint and genuine resolution looks like, might dissuade some of these time wasters and leave room for the genuine complaints that do need help and resource to resolve, to be handled.'

'Previous regulatory misconduct concerning dishonesty when a Solicitor was working for a particular firm because it gives an insight into that firm's judge of character, which feeds into how well they might actually be at delivering legal services. If they cannot pick an honest workforce then culturally there could be something wrong. I would not do it though if only 1 person had been found to be guilty of such misconduct. I would set it by the number of people over a particular timeframe. Perhaps if it is 2 or more separate incidents of dishonesty within a 2 year period.'

'We do not consider that timeliness data is particularly helpful to clients in relation to complaints, and in particular is not a reliable measure of the quality of complaint handling at first tier. We consider it would be more useful for clients to understand how many (as a proportion) of the complaints that are escalated to the Legal Ombudsman for second tier handling result in an outcome that differs from that offered at first tier complaint handling stage. It is also the case that certain areas of law, usually due to the importance of the matter to the client, are more prone to leading to complaint, and clients should be made aware that that is the case. For example, it is highly likely that a much lower percentage of corporate/commercial clients would raise a complaint than a conveyancing client. Different sectors within the regulated legal sector cannot be usefully compared in terms of their complaint profile.'

'Members felt that consumers benefit more from:

- Clear, accessible information about the firm's complaints procedure and their rights
- Aggregate, anonymised data to benchmark complaint volumes and outcomes, rather than timeliness
- Access to Legal Ombudsman decisions and findings
- Information on complaint outcomes and how firms learn and improve from complaints.

Members cautioned against overwhelming consumers with raw data that lacks context or meaningful explanation.'

'Only second tier complaint data should be published, because assuming the purpose is for consumers to find out which firms don't handle complaints well, then all that is relevant are the complaints that the Legal Ombudsman has to adjudicate on, where the firm has failed to identify the failing themselves and offer appropriate redress. With that in mind the Legal Ombudsman's published data is not fair or reflective of that, because an individual/firm could have admitted fault and offered a fair remedy at first tier and throughout the second tier investigation process, but if the client refuses to accept that they can insist on an Ombudsman decision where the complaint is upheld and a remedy awarded and this is the outcome published on LeO's website... The most useful data would be for LeO to publish decisions where the firm did not accept their recommendations, as that is independently verified data

about which firms are not able to reach the right outcome themselves. And to publish data about firms whose complaints handling was not reasonable, i.e took longer than eight weeks, didn't signpost to LeO correctly. That would drive up standards and be more informative for consumers. If the SRA did decide to publish data it should be based on averages and take in to account the number of lawyers employed, the nature of the legal work being done and the make-up of the client base (i.e. firms with commercial clients will have less complaints as the bulk of their work will stem from a handful of long standing clients in comparison to a conveyancing firm who will have a much higher turnover of clients).'

'Consumers would benefit most from information that:

- Summarises the nature and types of complaints upheld
- Shows the average resolution time
- Explains how providers have responded or improved following complaints

Such information empowers informed decision-making and builds trust in the system.' (the LSCP)

### **Guidance for consumers**

Many respondents made suggestions for general information for consumers about complaints.

'Some simple FAQs about possible issues of complaint and the process for referring them to the firm in the first instance followed by referral to LeO. Clients often struggle to distinguish poor service from professional negligence - where there are very different options open to them.'

'Categories of complaint, who to approach and timelines.'

'Details of how to complain so it is available to clients if they cannot find it elsewhere. It will be on one website instead of thousands.'

'How to make a complaint and who will deal with it.'

'That they have a right to complain That they have a right to have their Complaint dealt with timeously and fairly That they have a right of redress outside the Firm if the complaint is not resolved at First Tier.'

'Explain the remedy provided to the complaint, but this may just encourage complaints in a bid to reduce costs. Explain the 'success rate' of complaints to deter time-wasters, a complainant does not need to be frustrated even further if they can be told in advance the likelihood of success and the reasons for the success/failure of the complaint.'

'The reasons for complaints so that consumers may factor that in to their determination of whether or not they wish to make a complaint. For example, consumers may not be aware of Paragraph 8.7 of the SRA Code of Conduct for Solicitors, RELs, RFLs and RSLs. But if data published by the SRA stated that consumers may complain if fees exceeded the original estimate without being informed, that may assist consumers in making a legitimate complaint they may not have otherwise made.'

'A complaint should be added against poor performance information so that the client knows what poor service actually looks like.'

‘Aside from the provision of clear information about how to complain and the complaints process, it is difficult to identify what further information consumers would find useful. There is no evidence that consumers of legal services seek out data relating to complaints handling before instructing a firm, and if they do it is likely that consumers would interpret the data in a number of ways. As a consumer is it better to instruct a firm that upholds a large proportion of its complaints (which might suggest either pro-active complaints handling, or poor service) or one that upholds a low proportion (which may be a sign of poor engagement with complaints, or good service).’

‘The information that consumers require about complaints depends upon the nature of the legal service that the consumer is interested in. An individual seeking a solicitor to assist with a property purchase is unlikely to base a decision to use a particular firm based on its complaints data regarding family matters.’

‘Third parties sometimes have misconceptions as to what vires they have to complaint to a firm. Perhaps something explaining to those who are not actually clients of firms that our instructions are confidential and that we can't deal with complaints from unauthorised third parties on issues like costs and service would be helpful.’

‘The most helpful information for consumers would be:

- Clear, accessible explanations of the complaints process, including how to raise a concern and what to expect at each stage. If the complainant was a consumer or a commercial client.
- Timeframes for response and resolution, so clients know when they can expect updates.
- Whether complaints were resolved internally or escalated to the Legal Ombudsman, which can help demonstrate a firm's commitment to resolution.
- Themes or learning outcomes, where appropriate, to show how firms use complaints to improve service.

However, we believe this information should be presented in a standardised and contextualised format, ideally through tools like the proposed MCRP. This would help consumers make informed decisions without misinterpreting raw data and would also support fairness and consistency across the sector.’

‘Explanation of the complaints procedure and process, contact information, remedy/resolution, escalation if not satisfied with outcome.’

‘The difficulty (as mentioned to one of your SRA employees at a recent conference) is fake/ untrue online comments and reviews often left by someone who isn't a client or someone who has misunderstood what the firm's role is - usually a third party. Consumers and law firms need more help/ action from the regulator to respond to these issues in a more robust way ensuring that client confidentiality is maintained.’

‘What a consumer should do if a complaint/report a Solicitor is urgent as there is no guidance on this. Guidance on what the SRA considers an urgent complaint/report a Solicitor. There needs to be a clear guideline as to each stage of the complaints process.’

## **Respondents who were against publication**

Some of these respondents were against publication of information, others argued that LeO already fulfils the necessary purpose.

'I think what we already give them is fine - how to complain, who to complain to, who to escalate it to if they think there is a problem and they aren't being dealt with.'

'I do not believe that complaints information IS useful to consumers. It is all retrospective and may have related to a fee earner that has left, a particular time or circumstance or have been unfounded. How can this be contextualised in a helpful way that is fair? A firm that has changed its team or management should not be dragged down by having made positive changes or what incentive do they have to change at all? How does past information that is no longer value help a client make a future decision on whether to instruct? All firms will get complaints but the vast majority if clients are completely happy with their work.'

'The only thing that should be provided is guidance as to the complaints procedure.'

'We don't think publication of complaints data can be useful or verifiable. We think the SRA's current approach is proportionate and does not need to be changed at this time.'

'This information is already provided by LeO. Why do the SRA also need to publish the same information? Does it benefit a consumer to know that a client has complained and the firm dealt with it without the complaint escalating further? I doubt it.'

'We consider that the information currently published by LEO is sufficient for purpose.'

## Questions 6a and 6b

6a 'Do you agree that introducing a model complaints resolution procedure (MCRP) for the sector would be helpful?'

6b 'Please give reasons for your answer, including anything you think should be taken account of in the development of an MCRP?'

### Overview of responses

Responses to the proposed introduction of an MCRP were mixed. An almost equal number agreed with and were opposed to the introduction (question 6a). In terms of reasons for respondents' answers (question 6b) there were a great variety of views.

- Some respondents supported the introduction of an MCRP, on the basis of consistency and consumer confidence.
- Other respondents were against the proposal; they typically raised concerns around 'one size does not fit all' and the expected administrative burden.
- Some respondents said that an MCRP could help some firms, especially smaller firms, while being opposed to making the MCRP mandatory or overly prescriptive.
- Some respondents said they were interested in LeO's pilot, but some of those stated that they were not in favour of a full rollout at this stage.

## Supportive responses

LeO said:

For LeO, supporting improvements to first-tier complaint handling, including through the implementation of a sector-wide MCRP, is a key strategic aim. We have been working on the MCRP for much of this year, in consultation with you and other regulators. We are pleased that regulators including the SRA have shown support for our initiative and we welcome your continued support for this important development. As you are aware, we are currently in a Pilot stage of a draft MCRP, including with some SRA-regulated firms. After gathering evidence from that, we will be going out to consultation before we launch the MCRP. We absolutely welcome the feedback given by consultees here on useful features in the final MCRP and the supporting materials. If successful, the MCRP will provide an opportunity for a reduction in the wide range of quality and experience of complaint procedures in the legal sector, enhance consumer confidence in complaint procedures and give providers assurance that their procedure is fair and effective. To be successful, it will need support, including that of the sector.'

Some responses stated there were potential advantages of greater uniformity, for example:

'From a client perspective, it would offer a consistent approach... from a firm's perspective, it would provide clear parameters of what the regulatory expectations are.'

'Clarity and consistency is the key driver to improving complaint handling.'

The LSCP said:

'Yes, we strongly support the introduction of an MCRP, subject to appropriate testing. It has significant potential to set expectations, reduce variation, and improve consumer outcomes. However, consumer engagement is critical in shaping the format, language, and delivery method to ensure that it is not only adopted but effective.'

## Opposed / doubtful responses

Some of these responses did not say that they were diametrically opposed to an MCRP, but they expressed significant reservations about the proposal. The key themes were:

### **'One size does not fit all'**

This was the most common theme. Many respondents mentioned the impracticality of a single model covering all the services provided by law firms. The Law Society stated:

'The nature of legal work is often highly specific, and the types of complaints that arise can vary significantly in complexity depending on the area of law, the structure of the firm, and the characteristics of the client base. It would be extremely challenging to develop an MCRP that is both sufficiently high-level to accommodate this diversity and sufficiently detailed to provide genuinely useful guidance across all scenarios. There is a real risk that a one-size-fits-all model would be either too generic to be useful, or too prescriptive to be workable.'

Other respondents said:

‘No one size is likely to fit all and as a professional service provider, we should resist the temptation to adopt a formulaic tick box process.’

‘It would be extremely challenging to develop an MCRP that is both sufficiently high-level to accommodate this diversity and sufficiently detailed to provide genuinely useful guidance.’

### **Administrative burden and risks of standardisation**

Some respondents stated that a mandatory MCRP would increase costs which would especially impact small firms and sole practitioners, and will be passed on to consumers.

‘Adds to costs which will ultimately be borne by solicitors’ clients.’

Several stated that most firms already have effective procedures and do not need an MCRP. Others expressed concerns about standardisation:

‘Standardised procedures can be useful, but robotic complaints response might be very annoying for clients... especially when firms are known for personal service.’

‘Complaints in the real world are not black and white... Expressions of dissatisfaction vary hugely in seriousness and impact.’

### **Responses who favoured optional use**

Many respondents stated that they would welcome an MCRP as a non-mandatory template or resource. The Law Society said:

‘The Law Society recognises the potential value of MCRPs in supporting firms to meet their regulatory obligations and improve the consistency and quality of complaints handling. In principle, we support the development of tools that can assist firms — particularly smaller practices or those with limited compliance resources — in navigating the complaints process more effectively. This concern is reflected in the Law Society’s November 2023 response to the LSB’s consultation on first-tier complaints, where we emphasised the importance of proportionality and flexibility in regulatory design. We warned against imposing rigid frameworks that may not reflect the operational realities of different types of legal practice. Any MCRP developed by LeO/ SRA must therefore be presented as an optional, adaptable tool — not a de facto standard — and should be accompanied by clear guidance on how it can be tailored to suit different firm profiles. We also recommend that the SRA co-ordinate efforts with LeO regarding any MCRP in close consultation with the profession, including representative bodies such as the Law Society. This would help ensure that the model reflects the practical challenges firms face and avoid unintended consequences.’

Manchester Law Society said:

‘A model complaints resolution procedure template would be helpful for many firms but we do not see it as essential nor should it be mandatory. There are so many nuances to complaint handling given the different types of complainant, personalities and the nature of the complaint that firms should not feel tied to sticking rigidly to a template.’

Other respondents said:

'It appears from the consultation document that a pilot for the summer and autumn of 2025 will be taking place in any event, regardless of the consultation. It is unclear if the MCRP would apply to all firms and at what point during the complaints process. The model and templates may assist some smaller firms who may not have dedicated resource. However, while we would check our procedures against the model, we would not agree to the MCRP being mandatory for all firms, given the procedure we (and the majority of firms as confirmed in the SRA survey) have in place is fit for purpose and one size will not fit all. Firms need the ability to be adaptable and flexible to enable them to work with the complainant.'

'A model complaints resolution procedure template would be helpful for many firms but we do not see it as essential nor should it be mandatory.'

## Implementation

Many respondents stated that they were interested in LeO's pilot approach, for example:

'The inclusion of templates, toolkits, and guidance would reduce ambiguity and support firms in meeting regulatory expectations efficiently. However, we believe the MCRP must be:

- Flexible enough to accommodate different firm sizes and practice areas.
- Proportionate, avoiding a one-size-fits-all approach that could overburden smaller firms.
- Supported by training and engagement, to ensure successful adoption.

We welcome the pilot approach and encourage the SRA and LeO to share findings transparently, incorporating feedback from both providers and consumers before any wider rollout.'

Some respondents expressed concern about a full rollout in the near future. Comments included:

'LeO plans to run a pilot already... it's concerning that the consultation says the MCRP 'will be published next year'.'

'It is difficult to comment... without seeing what the draft MCRP looks like.'

## Question 7

'Do you have any comments on the regulatory impact of our proposals on first-tier complaints?'

### Overview of responses

- Few respondents made comments about positive impacts
- Despite respondents' varied views on the benefits and risks of different proposals, many respondents focused on potential negative impacts, especially relating to the less popular of our proposals.

## Potential positive regulatory impacts

LeO said:



'We want to ensure that complaints handling isn't seen as a burden on firms, just as it shouldn't be seen as inaccessible to clients. In the right culture, both lawyers and consumers should welcome dialogue about service, and any opportunity to improve a service should be encouraged.'

The LSCP said:

'The proposed measures will support regulatory objectives concerning consumer protection and access to redress. They place proportionate expectations on providers and offer tools that can drive improvements without imposing undue burdens.'

Liverpool Law Society had a mixed view of the impacts:

'Proposals in relation to consistent complaints handling and provision of information to clients relating to complaints processes seem reasonable subject to the comments above. There are concerns about the proposed reporting requirements which risk creating a significant burden on firms whilst providing limited useful information to clients. The requirement to provide the complaint policy at the conclusion of the matter was not supported by evidence. Data is likely to be a poor way of assessing the quality of a complaints process and for an individual client the most important factor in their complaint is the handling of that complaint rather than the time taken or uphold rate for previous complaints which may have no similarities with theirs and may even have arisen from entirely different practice areas. Whilst Liverpool Law Society supported the need for firms who had websites to ensure complaint information was displayed in a prominent place it was concerned of the burden it might impose on some firms if brought in without allowing for a transition period.'

One respondent suggested a phased introduction, although they did not elaborate on this.

'A light-touch regime for the first year or so would be a good idea.'

### **Potential negative regulatory impacts**

Many respondents focused on potential negative impacts. The Law Society said:

'We are concerned about the impact on small and medium-sized firms, in particular. If the regulatory burden results in an increase in associated costs, these are likely to be passed onto consumers which may then have an impact on access to justice.'

Similarly, Oldham Law Association said:

'There is likely to be a financial impact on law firms in Oldham which will have to be passed onto consumers, this will inevitably affect access to justice.'

Doncaster and District Law Society said:

'A model might be too prescriptive. Not every client is the same, and they don't all want the same from a complaint. Similarly, not every complaint can be easily defined. Often a client will have several 'niggles' which taken individually amount to very little, but added up, have the effect of eroding the client's confidence in the process. Any procedure needs to be flexible enough to cope with 'out of the norm' presentations... clients can make complaints that don't readily fit into a model. Litigation that doesn't secure the result that the client was expecting is often not the fault of the solicitor. Professional negligence accusations are often presented initially as complaints.'

Surrey Law Society stated:

‘Concerns expressed include:

- Current complaints processes are perceived by some as unfairly weighted toward complainants.
- There is a lack of confidence in the Legal Ombudsman's handling and decision-making processes.
- Regulatory changes should avoid creating extra burdens especially on small or niche firms. Publication or use of complaints data could have unintended negative consequences if not standardised and contextualised.
- There is a risk that complaints handling regulations may lead to defensive or excessive administrative approaches rather than improving service.
- Some firms highlighted the need for better protections for firms in objection rights and complaints procedures.’

Some comments focused especially on the negative impact of our proposal set out in Question 1a, and sometimes other specific proposals too:

‘If firms are already dealing with complaints in a timely manner and publishing complaints information prominently/providing when requested some of the proposals should not have too much of an impact. However the suggestion that clients should have the possibility of making a complaint flagged to them at the end of a matter just seems to be inviting trouble.’

‘If you introduce an obligation to tell clients about complaints when a job has finished then complaints will soar, time spent on them will increase, and our fees will have to increase to account for lost time.’

‘The SRA's purpose is to drive confidence and trust in legal services. We consider that the routine provision of complaint information at the conclusion of every client's instruction may do the opposite of that... If a rigid MCRP is introduced... this is likely to add additional administrative requirements and therefore cause backlogs in resolving complaints. That outcome is the opposite of the intention of the suggested changes. The Codes of Conduct contain an obligation to deal with clients according to their needs, and there is a further risk that a rigid MCRP may unintentionally disadvantage client who are vulnerable, especially where their vulnerabilities relate to communication.’

A professional representative organisation made a comment in relation to the impacts of publishing complaints data:

‘The collation and publication of complaints data on individual solicitors has the greatest potential regulatory impact. There is considerable scope for inaccuracy and abuse. There are resourcing issues to consider. The likely behavioural effects of the collation and publication of complaints data remain unclear.’

In relation to the regulatory impacts of complaints data publishing, another respondent said:

‘There is also the potential to damage the profession's reputation by the publication of non-contextualised/misleading data in circumstances where a firm is generally unable to respond to any negative press arising from complaints due to client confidentiality.’

These respondents stated that there would be an increased focus on minor dissatisfactions:

'They will increase formality and deprive Firms / Clients of the opportunity to resolve minor disagreements or misunderstandings outwith the complaints process.'

'I believe it will encourage frivolous complaints rather than give a clear path of how to remedy an issue.'

Other respondents made these comments:

'It will be interesting to see how the consistency and effectiveness of any changes are monitored and fed back to the profession.'

'We are concerned at the additional burdens these proposals may impose with the administrative time and cost to business which flows from them. There will be many firms whose client base falls squarely within LeO's remit and where clear and transparent processes are essential whereas larger firms may often have clients who do not fall into the Legal ombudsman's remit and where a firm's complaints handling process is inevitably driven by the fear of a significant client ceasing to instruct.'

'Extra training may be required; - Data and Privacy implications when publishing complaints data; - The Ombudsman is already 12 months behind on reviewing second-tier complaints and we have concerns with these steps which may increase complaints further.'

## **Question 8 – Further Comments**

'Do you have any further comments you would like to share with us when reviewing our requirements and producing guidance on first-tier complaints?'

### **Overview of responses**

- There were a number of comments on guidance, with some respondents repeating their concerns about prescription
- There were a number of other comments about our regulatory approach, some stating that no intervention was needed, mainly due to the existing role of LeO.

## **Respondents' further comments on guidance**

A number of respondents took the opportunity to make further comments on guidance. The Law Society said:

'We urge the SRA to frame any guidance in a way that firms should treat complaints as a service improvement tool and to avoid producing guidance which appears merely as negative advertisement of the profession and thereby damages consumer trust and confidence.'

Doncaster and District Law Society said:

'Please consult with the profession and COLPs in particular when devising the procedure. Be prepared to provide non-judgemental support and guidance for any complaints that don't readily fit the model and when these are presented be willing to share and learn from the experience.'

Another respondent stated:

'We agree that complaints should be dealt with in a timely manner and that early resolution is key, but we wouldn't want the focus to be on following procedure, it should be about the quality of the response.'

Some respondents reiterated their concerns about prescription.

'It needs to be flexible, and suitable to high street practices, not overly rigid, and it would need to be implemented proportionately, not with the usual SRA overbearing bully boy attitudes of high street bad, large corporate untouchable, so that small firms don't end up tying themselves up in knots on complaints and as a result doing much less work and going bust.'

'Any changes ought not to be so prescriptive that we lose the ability to manage a complaint on a more informal basis if it is appropriate to do so, and it suits both the client and the firm. Many complaints can be resolved with a simple apology and quick rectification and the need to go down the formal process is not always necessary or what the consumer wants. We ask that any updated guidance provided is consistent with that of LeO.'

Other comments on guidance were:

'We would welcome:

- Sector-specific examples to illustrate best practice.
- Templates or model procedures to support consistency.
- Training or webinars to help firms implement changes.
- Guidance on handling complaints from vulnerable clients, including communication adjustments and representative involvement.

This would help ensure that firms of all sizes can meet expectations while maintaining a client-focused approach.'

'Give clear detailed sector by sector guidance on poor service and how to deal with a complaint when poor service is obvious.'

'Yes, start taking into account the pressures of that particular legal sector. For example PI fee earners have to have high numbers of files to make doing the work profitable. They and the firm they work for should not be criticised for this.'

'Remember that B2B law firms are commercial entities subject to commercial pressures, and the requirements should differ between B2B and B2C.'

## **Respondents' further comments on our regulatory approach**

Surrey Law Society stated:

'Additional comments included:

- The profession already provides sufficient complaints information and repeating it multiple times may not enhance client experience.
- The complaints process is seen by some as onerous and punitive, contributing to professional frustration and stress.
- There should be a greater emphasis on using complaints as an opportunity for service improvement rather than only regulatory compliance.
- Recognise the diversity of client populations and firms; guidance should be flexible enough to be relevant for all.

- Requests that the SRA reduce regulatory pressure and avoid adding further administrative demands related to complaints.
- Strong views that complainants currently have too much power and that some abuse the system, with calls for mechanisms to balance this.'

Another respondent commented:

'The SRA and the LSB should be focusing their resources /concerns upon the real driver of Client detriment which is the repeated failure of large providers (eg Axiom Ince, Metamorph etc etc) - and the causes of those failures - what use was the Complaints process to Clients of those entities?'

Some respondents repeated their view that a regulatory intervention was unnecessary:

'I question why asking firms to abide by the Legal Ombudsman Scheme Rules is insufficient?'

'Requirements relating to complaints management are best left to the Legal Ombudsman. The handling of complaints is not a matter of professional conduct. It is accepted that a pattern of behaviour where a firm or a solicitor fails to deal with complaints may be a matter of professional conduct. Having separate SRA and LeO requirements will lead to duplication of effort and increased costs for the profession.'

'Why reinvent wheels - just tell firms to follow the Legal Ombudsman's guidance. Do you really need to waste time and effort producing something that in all likelihood would be very similar, and if it weren't have firms confused as to which organisation's guidance to follow?'

Oldham Law Association stated:

'If firms close down in Oldham this will affect access to justice for a community which is struggling financially and may not be able to travel out of the area to receive the service.'

Another respondent took the opportunity to comment further on complaints data publication:

'The question above concerning the publishing of statistics around timeliness suggests that that is the focus of the consultation, rather than the substantive quality of complaint handling. Whilst we do not consider that timeliness data is an indicator of the quality of complaint handling, a requirement to publish additional, detailed, complaints data could unintentionally damage trust between solicitor and clients. Data is always open to interpretation, and the publication of complaints data without clear context or differentiation between minor issues and substantive complaints could lead to clients mistrusting the Tier 1 complaints process before it has begun. For example they may consider that the data is indicative of the legal practice providing a poor service overall, rather than having an engaging and collaborative complaints process and culture. This may lead to more clients either escalating to the Ombudsman, or potentially even bypassing the Ombudsman and approaching the SRA.'

The LSCP stated:

'The Panel encourages the SRA to embed behavioural science and inclusive design principles into the development of future guidance. Proactive engagement with consumer advocates and ongoing evaluation will be vital to delivering long-term impact.'

## Question Q9

'Do you have any comments on our draft equalities impact assessment?'

### Overview of responses

Respondents' comments fell into two categories:

- Comments on potential equality impacts of the proposals
- Comments on our draft Equality Impact Assessment (EIA) itself and its coverage.

### Respondents' comments on potential equality impacts of the proposals

The LSCP stated:

'We welcome the draft equalities impact assessment and encourage the SRA to work closely with equality stakeholders to explore how first-tier complaint processes can better serve marginalised groups. Attention should be paid to accessibility of language, communication channels, and support for neurodiverse clients and those with limited digital literacy.'

ACSO said:

'ACSO supports any recommendations which do not impede the opportunity to complain in relation to services received and which consider the needs of different groups of people who may need to complain, including vulnerable complainants. However, we would ask that the SRA monitors potential barriers in relation to such access to a provider's complaints-handling procedure and would welcome additional comment on emerging challenges and how it intends to address them.'

One respondent felt that more guidance on inclusivity would be useful:

'We would appreciate any guidance on inclusive communication and reasonable adjustments. This will help ensure that the regulatory framework supports fairness and accessibility for all.'

Other comments were:

'As noted above, the Codes of Conduct contain an obligation to deal with clients according to their needs, and there is a further risk that a rigid MCRP may unintentionally disadvantage clients who are vulnerable, especially where their vulnerabilities relate to communication.'

'As the commercial world has discovered, pandering to cries for Equality Diversity and Inclusion slowly strangles enterprise and business.'

'Measures have to be proportionate – regulatory burden is a concern on firms in Oldham. Full analysis/impact must be considered with the Law Society before any proposal is implemented.'

### Respondents' comments on the draft EIA and its coverage

The Law Society stated:

'We consider that it would be beneficial to include a more detailed impact assessment. This should involve outlining all the potential risks to both members of

the profession as well as consumers and how they will be mitigated. Whilst acknowledging this is a draft EIA, it would benefit from a clearer outline of the next steps and timelines for implementing the proposed changes.'

A professional representative organisation made a similar point:

'The current assessment pays limited attention to the equalities impact on individual solicitors. The impact assessment will need reviewing if a decision is made to publish complaints data at an individual solicitor level.'

The Law Society went on to say

'We are concerned about the proportionality of the proposed measures and the regulatory burden, particularly on small and medium-sized firms... Such firms employ greater proportions of black, Asian and minority ethnic solicitors... Account also needs to be taken of the nature and type of work they do - immigration, criminal, and family law attract higher numbers of complaints than other practice areas, which means that the proportionate increase in regulatory burden as a consequence of these proposals would fall more heavily on solicitors from a non-white British background. The regulatory burden of complying with any new requirements, is likely to take valuable resources from the core work of such firms which may exacerbate problems. In turn this may have a greater impact on the often vulnerable and underrepresented communities smaller firms serve. For the above-mentioned reasons, we consider a full and proper impact assessment to be a necessity before any proposals are considered further.'

Similarly, Leicestershire Law Society said:

'Having read both the SRA Consultation document and the Response from The Law Society we agree with everything recited in The Law Society's Response. In particular in a city with many (currently very successful) small niche practices we are concerned about the effect on those firms and their clients in our multicultural community.'