



Changing our requirements on first- tier complaints consultation – Engagement programme write up

September 2025

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Introduction

During the consultation period on changing our requirements on first-tier complaints, we organised events with a range of stakeholders. We held roundtables with solicitors and law firms, law societies and consumer organisations. We also ran focus groups with consumers. Consumers do not often directly respond to our formal consultations, so these events are an effective way to build in consumer views into our policy development process.

Running roundtable sessions with legal sector representatives allows us to gather direct feedback from those we regulate, along with practical suggestions and alternatives when they challenge our proposals. It also gives us an opportunity to answer questions and queries.

We ran:

- Three focus groups (two in-person in large cities and one virtual) with 28 consumers covering a range of backgrounds and experiences:
 - The majority had used a solicitor in the previous two years
 - Some who had raised complaints with their solicitor
 - Range of ages and ethnicities; mix of men and women
 - Some who self-declared as less digitally confident or digitally excluded
 - Some from rural locations, some from Wales
- A virtual roundtable with 14 consumer organisations – asking for experiences of complaining in legal services and suggestions for improvements. Organisations included some that support people with immigration and asylum, ethnic minorities and women, and some that supported people with a disability. The Legal Services Consumer Panel (LSCP) attended, and the Legal Ombudsman (LeO) observed.
- A virtual roundtable with 12 solicitors and law firms – from firms of varying size and areas of practice.
- A virtual roundtable with 21 local law societies and The Law Society.

We also gathered insight from firms who we work closely with as part of our Regulatory Management work.

Key findings from consumer engagement

We start by setting out the key findings that were raised in our engagement with consumers. Later in this document we set out the key feedback from our engagement with solicitors, law firms, local law societies and The Law Society.

Attitudes to complaining – to a solicitor and more widely

- General attitudes to complaining and confidence levels were mixed. Some said they were initially reluctant to have to complain, but once they did, they wanted it to be handled properly. Most had at least some discomfort when considering complaints.
- Some said their confidence varied depending on the setting, such as the sector or method of complaining. For example, some people said they would not complain in a restaurant in-person but felt more confident complaining online.
- Some said they were more likely to complain if they had paid a lot of money for a service.
- Some said they would complain depending on the likelihood of it putting things right – they would not bother complaining if they thought it would not change the situation.
- People were less confident when it came to thinking about complaining to a solicitor, citing concerns such as ‘upsetting the applecart’ and ‘jeopardising the relationship’. Consumers wanted their solicitor to be their champion, or ‘in their corner’, which they believed might be at odds with making a complaint about them.
- One participant stated that people used solicitors infrequently, so it is not familiar.
- One person mentioned that genAI (ChatGPT) had been useful to them in drafting complaints, reducing the effort required to make a complaint (e.g. by converting their words into more formal language).
- While some used words such as ‘respected’ to describe solicitors, comparing them to doctors or police, others said that this meant complaining to them would be ‘intimidating’. One person stated ‘they are the ones with all the knowledge, we are lay people’.
- Attendees at our roundtable with consumer organisations shared the experiences of the people they support. Some gave examples of their clients being reluctant to complain due to it impacting their legal matters, a lack of awareness and knowledge of how to complain and of the UK complaints system and a lack of choice of provider (particularly in Legal Aid matters). They described a ‘power imbalance’ as a significant barrier to people making complaints.

Complaint scenario – from the consumer focus groups

- Participants stated how they would approach the situation, with a general consensus they would first contact for an update, raise queries and then raise a ‘formal complaint’ (though not all would take it so far).
- The methods they stated they would use varied, with some saying they would call for an update and to raise queries but then put their formal complaint in writing. Others said they would do everything in writing to ensure there was a written record.
- A number of participants asked what information was provided up-front – both about the cost and service such as timescales for sending the documents. They asked for clarity on terminology – such as whether the cost information was an ‘estimate’, stating the importance of this.
- This led to discussion about the importance of up-front information. One participant gave an example of her personal injury matter taking over a year. She stated that she understood the delays were caused by other parties, but if her solicitor had informed

her of this up-front she would not have kept calling for updates (and getting no response).

Finding complaints information on a webpage and exploring ‘prominence’ – including a task in the consumer focus groups

- We presented each group with the websites of two or three real solicitor firms and asked for views on how the complaints information was presented.
- For the groups that were in-person, we chose two firms that were geographically close to the venue. For the online group, we chose two example firms located geographically close to SRA offices in Cardiff and Birmingham.
- For the group that included people who were not digitally-confident and digitally excluded, we presented the information on a shared screen but also offered printed versions of the homepages and the complaints policies.
- Participants noticed the variation in how the firms presented their complaints information. This included the positioning of the information on the website – for example one firm’s procedure was on the ‘Contact us’ page whereas another had a dedicated button on their homepage – albeit the same colour as the background so not immediately noticeable.
- When looking at the complaints procedures themselves, participants noticed the ones with a number of stages and different people in different roles to contact.
- Sometimes the people to contact were not specifically named, or did not have their contact details immediately available – although often that would have been supplied at onboarding stage.
- Words such as ‘obstructive’ were used with one participant stating there were ‘lots of rabbit holes’ and another ‘[it seems] designed to make you think I won’t bother complaining’. However, often participants had little difficulty in locating the complaints policy where it was clear on the landing page and on the bottom list of links.
- Suggestions for how to improve included a ‘complaints logo, badge or symbol’, that it should be on the ‘top bar’ and that there should be a ‘standardisation of process’.
- When asked about prominence, attendees at our roundtable of consumer organisations suggested that we should specify that complaints information should be ‘ideally on the homepage itself but no more than two clicks away’. They raised that digital inclusion was a significant issue and that along with being prominent, the use of supportive technology such as screen-readers should be considered, as well as what colours the websites use.
- For firms that do not have a website, a suggestion at the roundtable with consumer organisations was for the SRA to have complaints information available on its website – which representative organisations could use as a guide.

Providing complaints information at different points in the journey

- A number of participants who had experience of a solicitor said they did not recall receiving the complaints information. One described it as ‘going into a cloud of fog’ at the outset, when they wanted to get their legal matter resolved.
- When asked about our proposal for it to be provided at the end of the legal matter, people were generally positive. Reasons included that it ‘refreshes your memory’.
- One participant who had been through both first and second-tier complaints processes with her solicitor said she would have preferred to receive the complaints information, particularly about LeO’s time limits, more frequently - ‘you only get the leaflet at the start’.
- Some participants suggested it make sense to provide it at this point (at the end) as well as asking for feedback and an online review.

- One suggested that this would be a way of filtering out 'little niggles' and stopping things escalating into formal complaints.
- One participant suggested an alternative would be to provide the complaints process in a separate document from the engagement letter at the start of a matter, which the solicitor could 'sit with you for five minutes and talk through'.
- Attendees at our roundtable of consumer organisations were supportive of the complaints information being provided at the end of the legal matter. One suggested, for particularly lengthy legal matters, it could be provided 'yearly', stating that 'retention of information' was a particular challenge for those they supported. One suggested that complaining during the legal matter was particularly intimidating, but that doing so at the end would be less so.
- One attendee could not recall the people they supported receiving closing letters in their legal matter.

Standardisation and LeO's model complaints resolution procedure

- Many participants raised the suggestion of standardisation unprompted during the website task.
- When presented with LeO's model complaints resolution procedure, they were supportive and surprised it did not already exist in the sector. One said they would 'expect the regulator to standardise procedures' as part of setting 'clear and explicit rules'.
- Some shared examples from other sectors where there are set procedures or timeframes, such as making a freedom of information request and organisations that provide 'service level agreements'.
- Attendees at our roundtable of consumer organisations were supportive of the idea of standardisation in helping consumers know what to expect and gave examples of other sectors we can learn from. One expressed the need to maintain some flexibility and adaptability.

Publishing complaints data

- When asked about publishing complaints data generally, people were positive. One respondent raised concerns about whether it was fair to solicitors as she could not think of other sectors where professionals were compelled to do this: 'not sure if it's a level playing field with other sectors'.
- Some people shared examples of where they have seen it before such as from banks and financial services, the CQC, Ofsted and telecoms.
- Reasons included that it 'gives people reassurance' and 'gives you an idea of how good they are'. The one respondent who did not support it stated that some complaints are not justified and that firms could be targeted.
- When asked what information is important (contextually), suggestions included: How many complaints per 100 cases handled; How quickly they 'get dealt with' and area of law.
- Participants shared the importance of the data being trustworthy, with one giving the example of not trusting 'unverified' reviews on review sites.
- Some attendees at our roundtable of consumer organisations were also supportive of the publication of complaints data to inform consumer choice and suggested context such as region, area of law and demographic breakdowns. They expressed the importance of accessibility considerations. Some raised the importance of seeing the complaint outcomes in informing consumer decision-making at the start, as well as for raising overall awareness and confidence in complaints. Two attendees suggested that complaints data about different client groups would also be helpful for them in identifying groups that do not complain much or at all and identifying the reasons why.

Accessibility and vulnerability

- One participant stated the importance of complaints procedures and legal services generally being accessible for people who are not online or able to use smartphones. She shared her experience of supporting two colleagues to claim their pensions because 'everything is online' and stated that these people are 'excluded'.
- One respondent shared her positive experience with a solicitor completing the forms for her mum's Power of Attorney and how they supported her mum. Her mum was provided with a paper version of the complaints procedure amongst other documents. She said everything was explained clearly and well and her mum was offered for her to go along and help and assist at every meeting, but her mum felt confident they had covered everything.
- Another shared a positive experience of a local solicitor firm who were 'used to dealing with the elderly and working in the community' and provided hard copies of documents and described them as 'not patronising'.
- Suggestions included that firms should provide a contact telephone number as 'everything is done online now', making sure there is a direct email address – as an online form doesn't give 'accountability'.
- One respondent shared that their parents are in their mid-late 70s and that they are able to use social media (WhatsApp in this case) to contact their energy provider, suggesting this as an alternative contact method.
- Attendees at our roundtable of consumer organisations shared their experiences of accessing legal services and examples of barriers that the people they support faced. They gave suggestions for how firms can make their services and complaints procedures more accessible and some signposted to resources that they had developed.
- Suggestions from consumer organisations included ensuring that all documents that go out with the client care letter are translated. One shared a view that – even though clients might appear to speak 'day-to-day English' well, they may not be able to read or comprehend complicated written documents. Another attendee suggested that solicitors should go through the written information with clients to ensure that they understand it.
- Attendees also suggested that providing more information about the outcomes of complaints would raise awareness of complaints overall, and people's rights to complain, as well as manage expectations of the possible outcomes.
- One attendee suggested that firms have a named contact, particularly for complaints to be made to verbally.

Key feedback from engagement with solicitors, law firms, local law societies and The Law Society

Here we set out the key feedback gathered at our engagement with solicitors, law firms, local law societies and The Law Society.

Feedback on our proposal to: make changes to when complaints information must be provided – adding in: on conclusion of the legal matter; upon request and; if a complaint is made during the matter.

- There was general agreement from attendees that complaints provide useful information for solicitors and law firms.
- There was particular pushback on the proposal to provide complaints information at the end of a legal matter.
- One attendee expressed the view that the SRA's existing arrangements for providing complaints information is adequate, and that providing information at the end of the matter is unnecessary and impractical. They stated that it demonstrates a lack of understanding about when a matter might be concluded as often there is not a clear date to conclusion and so the change may cause confusion.
- Concerns were raised about these proposals encouraging complaints from people who are unhappy with the fees. One attendee shared that these complaints can be particularly difficult and lengthy to deal with.
- Some attendees shared that they asked for feedback when a matter is settled, rather than providing the complaints information.
- Some attendees stated that they believe consumers are able to find complaint information themselves without it being necessary to repeatedly direct them to it – with one comparing it to the NHS (who they said deal with vulnerable people and don't signpost to complaints information).
- One cautioned against the SRA duplicating LeO's role.
- One attendee noted that their firm determines vulnerability of their clients at the outset of a matter, so suggested that the rule could be for vulnerable clients only.
- One attendee suggested that firms should be able to focus on clear and simple ways of making complaints, emphasising the need to provide a range of ways of accessing complaints processes and that the SRA should assess if firms are making it easy for people to make complaints and deal with those who are not.
- One attendee suggested that the SRA are looking to find ways to encourage complaints and that these proposals are 'regulatory overreach'. They described these proposals as a 'blunt tool' to deal with issues with a very small number of professionals.

Feedback on our proposal to: require complaints information to be clear, accessible and in a prominent place on a website, where firms have one, and made available where they do not have one

- One attendee said that most 'good' firms will already be making complaints information available, and that the SRA should focus on those who do not have robust complaints processes.
- One attendee shared examples of how their firm uses a simple sheet to provide visual information on complaints and a short video. They also have a complaint mailbox and a link to the complaints page on their homepage.

- One attendee said the SRA should think about how we enforce, emphasising the need for 'guidance rather than fines'. They stated the approach should be supportive.
- One shared an example of how, when the FCA introduced new principles for the Consumer Duty, it brought together working groups of firms to support implementation. They stated that solicitor firms work in isolation at the moment and that there is value in bringing them together.

Feedback on our proposal to: include the LSB's definition of a complaint in our glossary

- One attendee said their firm uses the definition already and it works.
- One attendee questioned whether the LSB's definition will pull in 'informal complaints' which could otherwise be dealt with immediately and informally by the fee earner. One suggested this would add to the workload of small firms.
- One attendee raised the challenges of handling complaints and claims and the differences in processes and handling.

Feedback on our proposal to collect and publish complaints data (timeliness)

- One attendee said that context is the most important thing regarding data publication, especially around volumes. They suggested that complaints be presented as a percentage of clients.
- One attendee suggested that the collection and publication of data is left to LeO and that the SRA should not duplicate – though another raised that the LeO data does not include first-tier complaints data.
- One attendee said the publication of firm-level data will have a negative reputational impact.
- One attendee raised concerns with the timeliness data point in particular, that law firms receive complex complaints and complex matters take time to resolve so resulting figures will be skewed because of these.