

## Legal Complaints Service

### Consultation

## The provision of solicitors' telephone services for complaints handling provided by the Legal Complaints Service

### Background information

This consultation is for anyone with an interest in encouraging solicitors to engage in the complaints handling process in a positive way.

The aim is to gain views on how the Legal Complaints Service can assist in reducing complaints about poor service by solicitors, and improving how solicitors handle complaints in-house. This consultation seeks to gain views from solicitors (the profession) as well as; consumers of legal services (solicitor's customers), organisations that have an interest in the legal profession, consumer bodies, regulatory bodies and campaigning bodies.

Duration: 26 September 2007 to 8 January 2008

How to respond: In writing: Miles Lockwood  
Legal Complaints Service, Victoria Court, 8 Dormer Place,  
Leamington Spa, Warwickshire, CV32 5AE

By email: [Consultations@legalcomplaints.org.uk](mailto:Consultations@legalcomplaints.org.uk)

Response: The Legal Complaints Service will publish a response to this consultation exercise by 31 March 2008 on <http://www.legalcomplaints.org.uk>

Enquiries to: [Consultations@legalcomplaints.org.uk](mailto:Consultations@legalcomplaints.org.uk)

## Contents

Background information	p.1
Executive Summary	p.3
Purpose of the consultation	p.4
Introduction	p.4 -6
Providing advice to the profession	p.6 - 7
Developing the remit of a telephone service for solicitors	p.8 - 9
Options for change	p.10 - 11
Other issues	p.12
Who we are consulting	p.13

Other documents linked to this consultation

[Summary of questions and consultation response sheets](#)

[About You Form](#)

## Executive Summary

The aim of this consultation is to determine whether there is a need for the Legal Complaints Service to provide a dedicated telephone service, or other services, to assist solicitors' work in the consumer interest in the prevention and resolution of complaints. This consultation also seeks to help the Legal Complaints Service better understand the services it could provide to maximise the positive impact to complaints handling and complaints resolution by solicitors.

The Legal Complaints Service is committed to reducing the numbers of complaints that are being generated by solicitors annually. 20,000 complaints reach the Legal Complaints Service each year and more are resolved in-house by solicitors. A key aim of the Legal Complaints Service is to work in partnership with the profession to improve their overall services to reduce the numbers of complaints being made and to improve the way solicitors deal with matters when a complaint does arise. The Legal Complaints Service wants to ensure that its services and expertise are accessible to those who need to use it, including solicitors, in order to bring about the greatest benefit to complaints handling and prevention.

The Legal Complaints Service is committed to providing an impartial service that seeks to assist its users to effectively resolve complaints. To ensure that the Legal Complaints Service is accessible to the public, it operates a customer Helpline service that is open five days a week from 8am to 6pm. The Legal Complaints Service also currently operates an on-demand telephone service for solicitors called 'Lawyerline'. As part of our commitment to improve standards in the profession, the Legal Complaints Service wishes to determine if there is a current and future need for a solicitors' telephone service that supports the prevention of and / or the handling of complaints. If there is a need, we wish to determine the future shape of such a service that best fits the requirements of our stakeholders. This consultation presents fourteen questions for consideration, leading to three main options regarding the provision of Legal Complaints Service solicitor telephone services. These options are:

### **Option 1 – Discontinue all Legal Complaints Service solicitor telephone services**

*The Legal Complaints Service should not provide a telephone service to solicitors: Lawyerline should cease operating and not be replaced.*

### **Option 2 – Retain the Legal Complaints Service solicitor Lawyerline service in its current form**

*The existing Lawyerline service should be retained in its current form with a single caseworker continuing to offer confidential advice to solicitors on best practice issues and complaints handling in general as well as advice regarding existing complaints being investigated by the Legal Complaints Service.*

### **Option 3 – Adapt and develop telephone services for solicitors**

*A wider resource of trained staff should be made available to take calls from solicitors. There are a number of variables as to how such a service could operate, concerning issues such as the confidentiality of such a service, the scope of enquiries that such a service accepts and the staff who operate it.*

# Legal Complaints Service

## Consultation

### The provision of solicitors' telephone services for complaints handling provided by the Legal Complaints Service

#### Purpose of consultation

1. The aim of this consultation is to determine whether there is a need for the Legal Complaints Service to provide a dedicated telephone service, or other services, to assist solicitors' work in the consumer interest in the prevention and resolution of complaints.
2. This consultation also seeks to help the Legal Complaints Service better understand what services it could provide to maximise the positive impact to complaint handling and complaint resolution by solicitors.
3. The Legal Complaints Service is keen to avoid duplicating the role of the Solicitors Regulation Authority and Law Society Representation. Consequently we acknowledge the importance of a dialogue with the Solicitors Regulation Authority and Law Society Representation. Notwithstanding this, the Legal Complaints Service believes it is able to play a separate but complementary role in promoting good practice in the handling of complaints in the profession.
4. The Legal Complaints Service is also committed to ensure that the service it offers is fair for both consumers of legal services and solicitors. This paper seeks to set out options as to how the Legal Complaints Service could offer a service which is transparent to consumers while also working with the profession through the provision of advice about good practice in complaints handling.

#### Introduction

5. Solicitors are generating too many complaints. Almost 20,000 complaints reach the Legal Complaints Service each year, and these are only the tip of the iceberg; many more complaints are resolved in-house by solicitors. Every one of these complaints represents a breakdown in the solicitor/client relationship. On many occasions such a breakdown could be avoided if greater care and a different approach had been taken sooner. The number of complaints being generated is costly and damaging both to the profession and to the consumer. It is in the best interest of everyone that the numbers of complaints generated by the profession is reduced. The Legal Complaints Service is committed to facilitating such a reduction.
6. In May 2007 the Legal Complaints Service launched its *Improvement Agenda*. This agenda, which we will put in place over the next three years, represents our commitment to becoming a modern consumer redress organisation. The strategic objectives of the *Improvement Agenda* are threefold. Firstly to improve our own services, secondly to improve the information available to consumers to enable them

to make informed decisions in the use of legal services and thirdly to improve standards within the profession to reduce the number of complaints they produce. This consultation is part of our strategy for improving standards within the profession. By consulting we aim to find new ways of supporting solicitors to enable them to provide better service to their clients which prevents grounds for legal complaints in the future.

7. The Legal Complaints Service has a wealth of experience in complaints handling and wishes to share this and actively encourage the profession to improve its standards to reduce the numbers of overall complaints brought against solicitors.
8. A key aim of the Legal Complaints Service therefore is to work in partnership with the profession to improve their overall services and to improve the way solicitors handle matters when a complaint is actually made. We envisage that improvements in these two areas will help solicitors reduce the grounds for future complaints and to improve the way they go about resolving complaints that have already been brought against them.
9. The Legal Complaints Service wants to ensure that its services are accessible to those who need to use them in order to bring about the greatest benefit to complaint resolution. We already provide a range of services that are aimed at benefiting the consumer and the solicitor by giving them access to our expertise.
10. To ensure that the Legal Complaints Service is accessible to the public, we operate a customer Helpline service that is open five days a week from 8am to 6pm. The customer Helpline handles around 6000 calls a month from members of the public. This Helpline service is not currently advertised as a resource for solicitors. The customer Helpline is staffed by up to 12 caseworkers at any one time. These caseworkers are also responsible for the investigation of complaints.
11. The Legal Complaints Service also currently operates a limited telephone service for solicitors called "*Lawyerline*". The Legal Complaints Service has operated this service for a number of years. *Lawyerline* is currently staffed by a single caseworker who provides ad hoc, confidential advice to solicitors in addition to his / her other responsibilities investigating complaints. *Lawyerline* currently receives approximately 30 calls per month.
12. The Solicitors Regulation Authority and Law Society Representation also provide telephone advice services, most notably the Professional Ethics Helpline for solicitors operated by the Solicitors Regulation Authority. The Ethics Helpline receives around 5000 calls a month from solicitors. This service provides advice on professional ethics and the rules of professional conduct but does not provide advice on complaints handling. Likewise the Legal Complaints Service customer Helpline and *Lawyerline* services do not provide advice on professional ethics or the rules of professional conduct.
13. It is striking therefore that there is such a disparity between the large numbers of solicitors who are seeking telephone assistance and support on professional ethics and the very small numbers who are motivated to seek advice on complaints handling. The numbers of complaints being generated by the profession would suggest that there is an urgent need for the profession to start seeking advice earlier on complaints

handling and best practice so as to avoid problems later. Prevention is preferable to cure.

## **Providing advice to the profession**

14. The Legal Complaints Service is committed to providing an impartial service that seeks to effectively resolve complaints for all involved. Whilst we are consumer focused, the Legal Complaints Service is an independent and fair organisation, and has a responsibility to solicitors. We are committed to supporting solicitors to provide a better service to prevent grounds for legal complaints, as explained in more detail by our *Improvement Agenda*.
15. As part of this commitment, the Legal Complaints Service wishes to determine if there is a current and future need for a solicitors' telephone service that supports the prevention of and/or handling of complaints.
16. The Legal Complaints Service also seeks to better understand what benefits and/or risks are associated with such a service.
17. The Legal Complaints Service believes that there may be a need for such a service and that it may be appropriate for the Legal Complaints Service to provide such telephone services to solicitors that encourages complaints prevention. This consultation seeks to test this view. However, the Legal Complaints Service is also mindful that it needs to offer any such service in a way that is both useful for solicitors but in such a way that promotes transparency so as to be fair, and to be seen to be fair, to consumers.
18. The Legal Complaints Service sees advantages in making its expertise accessible to solicitors by providing general advice on best practice in complaints handling and client care, in a way that helps the solicitor provide high standards of service to the consumer. From our experience in handling complaints, we are also aware that there may be circumstances when giving confidential advice to the solicitor on an on-going complaint being investigated by the Legal Complaints Service might assist the solicitor and customer in the resolution of that complaint.
19. The Legal Complaints Service does however also recognise that there could be some concerns associated with the Legal Complaints Service providing a dedicated telephone service for solicitors. As noted above, we are conscious of the possibility of perceptions of bias in providing such a service. We feel that this concern is unfounded: the Legal Complaints Service would provide such general advice in an open and transparent manner and we would ensure that this service would not interfere with how individual complaints are resolved. We are however open-minded as to whether or not such a service should or should not provide advice on complaints that are being investigated by the Legal Complaints Service. This paper sets out options that respond to these potential concerns by outlining how the Legal Complaints Service could offer a service which is transparent to consumers while also working with the profession through the provision of advice about good practice in complaints handling.

*(Please note that for your convenience, a summary of the following questions has been provided together with response sheets)*

#### **Question 1**

Thinking generally, is there a need for a telephone service specifically for solicitors, which supports the prevention of and/or handling of complaints? Please explain your views.

#### **Question 2**

Is it the role of the Legal Complaints Service to provide such a service? Please explain your views.

#### **Question 3**

What do you believe are the advantages and disadvantages of the Legal Complaints Service providing a dedicated telephone advice service for solicitors? Please explain your views.

#### **Question 4**

If you do not think the Legal Complaints Service should be providing this service, which organisation should be doing so? Please explain your views.

20. Our intent is to make our services and expertise as accessible as possible to consumer and solicitors so as to help reduce the numbers of complaints. We aim for the profession to realise the benefits of addressing the need behind complaints and to commit to tackling complaints within their own firm. If we can help each solicitor to make a small improvement, the overall effect will be significant.

#### **Question 5**

Apart from a telephone service, what other forms of support could the Legal Complaints Service offer solicitors to help prevent and reduce the numbers of complaints?

## Developing the remit of a telephone service for solicitors

21. The current *Lawyerline* service provides confidential advice to solicitors regarding best practice in complaints handling and avoidance, and on general client care issues. Solicitors are also able to discuss complaints currently under investigation by the Legal Complaints Service on the understanding that the advice given is not binding on the formal investigation being conducted by us. An assurance is given that the call content will not be shared within the Legal Complaints Service.
22. *Lawyerline* therefore operates in a way that is intended to encourage solicitors to discuss complaints handling without fear that such enquiries would result in regulatory activity by what is now the Solicitors Regulation Authority, or consumer redress activity by the Legal Complaints Service itself. From our experience, and that of other organisations, the benefit of providing a confidential service is that it encourages solicitors to call the service, thereby promoting its use. To meet its objective of working with the profession to prevent complaints, the Legal Complaints Service is committed to ensuring that solicitors feel able to seek advice about good practice in handling complaints. We are aware that assuring confidentiality of calls may have consequences in terms of perceptions of bias and in a resultant lack of transparency in our dealings with solicitors. On balance, the Legal Complaints Service has taken the view that the overall benefit in working with solicitors to improve their service to consumers by providing a confidential service outweighs any disadvantages.
23. Currently one caseworker takes all calls on *Lawyerline*. The advantages of this approach are that the advice given is consistent across all calls. In other ways however this approach may be disadvantageous. Limiting the scope of staff who give advice to one individual prevents a wider range of casework experience and expertise being brought to the issues at hand. It is also a possibility that limiting the adviser to one individual might also encourage a perception of bias. To tackle such perceptions it is suggested that a telephone service could be operated by a larger pool of trained staff with additional quality control, review and training mechanisms built in to address any concerns around possible perceptions of bias.
24. The *Lawyerline* service is only accessible by telephone (0870 606 2588) Tuesday to Thursday 8am to 4pm and Friday 7am to 3pm and access is dependent on the availability of the one caseworker who runs it. The existence of the service is advertised via some Legal Complaints Service publications. Referrals are also made by other sections of Legal Complaints Service, the Solicitors Regulation Authority and the Law Society Representation, when enquiries are received from solicitors seeking complaints handling advice. It is not advertised or promoted in any other way.
25. *Lawyerline* does not currently provide legal advice or advice on professional ethics, nor does the Legal Complaints Service. This paper does not propose any changes to this position.

### Question 6

Is the current remit of *Lawyerline* appropriate?

**Question 7**

If you have used *Lawyerline* in the past, please comment on your experience of the service.

**Question 8**

Is it appropriate for the Legal Complaints Service to provide general advice regarding best practice in client care and complaints handling and prevention?

**Question 9**

Is it appropriate for the Legal Complaints Service to provide advice on specific issues where a complaint is being dealt with under a firm's internal complaints procedure?

**Question 10**

Is it appropriate that a telephone service should give advice on specific complaints that are already being investigated by the Legal Complaints Service?

**Question 11**

Is it appropriate for confidentiality to be guaranteed to solicitors who raise issues via a Legal Complaints Service telephone service?

**Question 12**

Is there anything else that a dedicated Legal Complaints Service telephone service should, or should not, provide solicitors?

## Options for change

26. There are three main options to consider in the provision of Legal Complaints Service telephone services.

### **Option 1 – Discontinue all Legal Complaints Service solicitor telephone services**

*The Legal Complaints Service should not provide a telephone service to solicitors: Lawyerline should cease operating and not be replaced.*

The main advantages associated with this option are:

- Removes any risk that we are perceived by some to be biased towards solicitors
- Clarifies our role as a consumer focused organisation

The main disadvantages associated with this option are:

- Prevents solicitors from accessing our services and expertise to help reduce and prevent complaints
- Does not promote a culture of working in partnership with the profession
- Does not advance the goal of preventing and reducing complaints and thereby fails to improve the consumer experience of legal services

### **Option 2 – Retain the Legal Complaints Service solicitor *Lawyerline* service in its current form**

*The existing Lawyerline service should be retained in its current form with a single caseworker continuing to offer confidential advice to solicitors. This will include best practice issues, complaints handling in general, and advice regarding existing complaints being investigated by the Legal Complaints Service.*

The main advantages associated with this option are:

- No additional cost implication or operational or policy changes for the Legal Complaints Service
- Existing services are retained for solicitors with a consistent message

The main disadvantages associated with this option are:

- The service is not reformed and revised to take account of current and future need
- Possible perceptions of bias are not addressed at all
- Risk that reasons behind current low take up of service are not addressed
- Some stakeholders view the range of services offered as being inappropriate, such as the giving of advice to solicitors on cases that are already being investigated by the Legal Complaints Service

### **Option 3 – Adapt and develop telephone services for solicitors**

*A wider resource of trained staff should be made available to take calls from solicitors. There are a number of variables as to how such a service could be operated, concerning issues such as the confidentiality of such a service, the scope of enquiries that such a service accepts and the staff who operate it.*

The main advantages associated with this option are:

- The service is revised to take account of current and future needs
- The service is reformed to reflect stakeholder views on issues such as confidentiality, staffing and the remit of the service
- A wider range of staff experience and expertise is made available to benefit solicitors in complaints handling and prevention
- The service has the greatest possible positive impact in reducing future complaints

The main disadvantages associated with this option are:

- Operational limitations, such as budgetary considerations, prevent all of the changes favoured by stakeholders from being made
- The changes made fail to adequately address possible perceptions of bias

### **Question 13**

Which of these three options is your overall preference?

**Option 1 – Discontinue all Legal Complaints Service solicitor telephone services**

**Option 2 – Retain the Legal Complaints Service solicitor *Lawyerline* service in its current form**

**Option 3 – Adapt and develop telephone services for solicitors**

Please select the one option you believe provides the best solution and please explain your choice. If you choose Option 3, please give as much detail as possible on the remit of the service that you think is appropriate.

## Other issues

27. The Legal Complaints Service wishes to develop its services and to make itself accessible in ways that have a positive impact on reducing complaints at source, thereby improving the overall experience of consumers of legal services. We have focused in particular on one option in this consultation, namely telephone services for solicitors. We do hope that this consultation paper has given you the opportunity to express your detailed views on the advantages and disadvantages of this particular option.

We are also interested in any other views you may have about the role of the Legal Complaints Service in providing advice, support and guidance to solicitors to prevent complaints and promote good practice.

### Question 14

Is there anything else you would like to add concerning the role of Legal Complaints Service in assisting solicitors reduce complaints and in promoting good practice?

We are grateful for your input and thank you for taking time to respond to this consultation.

### How to respond:

#### In writing:

For the attention of : Miles Lockwood  
Legal Complaints Service, Victoria Court, 8 Dormer Place,  
Leamington Spa, Warwickshire, CV32 5AE

#### By email:

[Consultations@legalcomplaints.org.uk](mailto:Consultations@legalcomplaints.org.uk)

## Who we are consulting

1. Citizens Advice Bureau
2. The Immigration Services Complaints Commissioner
3. The Law Society (Representation)
4. The Legal Services Complaints Commissioner
5. The Legal Services Ombudsman
6. National Consumer Council
7. Representative bodies of the solicitor's profession of England and Wales:

Association of Lawyers for Children  
Association of Personal Injury Lawyers  
Association of Solicitor and Investment Managers  
Association of Women Solicitors  
Black Solicitors Network  
Criminal Law Solicitors Association  
Financial Services Lawyers Association  
Group for Solicitors with Disabilities  
LawWorks  
Legal Practice Management Association  
Local Law Societies of England and Wales (29 societies in total)  
Probate Section  
Resolution - first for family law  
SAHCA (Solicitors Association of Higher Court Advocates)  
Society for Computers and Law  
Society of Asian Lawyers  
Society of Visually Impaired Lawyers  
Sole Practitioners Group  
Solicitors Benevolent Association  
Solicitors in Local Government Group  
Trainee Solicitors Group  
UK Environmental Law Association  
Young Solicitors Group

8. The Solicitors Regulation Authority
9. Which?