

**SRA BOARD**

22 October 2019

**CLASSIFICATION – PUBLIC***This paper will be published***SRA Corporate Complaints****Purpose**

- 1 To update the Board on our corporate complaints for 2017/18, including the Independent Reviewer's annual report and its addendum report.

**Recommendations**

- 2 The Board is asked to:
  - a) note the Independent Reviewer's Annual Report 2017/18
  - b) note the key areas we continue to focus on to improve our service (paragraphs 13-27).

**Equality, Diversity and Inclusion considerations**

<b>Consideration</b>	<b>Paragraph no</b>
Our commitment to treating people fairly is set out at paragraph 3	3
We recognise that the clarity of our writing is key to helping people, many of whom may be distressed or vulnerable, to understand what we do and the decisions we make. We provide guidance for staff and train out our approach to communication from induction onwards.	20
This paper covers complaints about discrimination within our services, noting that we received eight such complaints in 2017/18. It also sets out what we are doing to address any issues of this nature.	25,26,27

**If you have any questions about this paper, please contact Jane Malcolm, Executive Director, External and Corporate Affairs.**

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### SRA Corporate Complaints

#### Background

- 3 We are committed to giving everyone a high standard of service, treating people fairly and acting transparently. We recognise that we sometimes make mistakes and we look to resolve any problems with our service as quickly as possible.
- 4 Corporate complaints represent a small proportion of the many thousands of contacts we have with those who use our services. They provide valuable information about how we are performing and, importantly, allow us to identify actions to improve.
- 5 We have a comprehensive three stage procedure for handling complaints made about our service. At Stage 1, complaints are dealt with by staff in the operational area in which the complaint arose. If the complainant remains dissatisfied, the concerns are escalated to Stage 2 and are dealt with by our Corporate Complaints Team (CCT). If a complainant remains unhappy following this a request can be made for an independent review at Stage 3. This stage plays a key part in our complaints process, helping us to improve our service and making sure our customers have confidence that complaints about our services are being handled fairly and transparently.
- 6 Our corporate complaints process is not a means by which formal regulatory decisions can be appealed. However, if we find our procedures have not been followed, or if we have, for example, failed to take into account material information, we can and do make sure matters are reviewed again by our operational teams.
- 7 Ombudsman Services was appointed as our Independent Reviewer (IR) on 26 October 2015 and this is its third and final annual report as our IR. On 1 October 2018, following an open, competitive, procurement process, we appointed the Centre for Effective Dispute Resolution (CEDR) as our new IR. The addendum to the 2017/18 report captures the outcomes of those complaints that Ombudsman Services concluded after November 2018.
- 8 As set out above, the IR considers complaints where a complainant has not been satisfied following our internal processes. Complainants may contact the IR directly or we may pass the complaint on with the complainant's consent. Following any contact from a complainant the IR will check whether the complaint is within its remit. It may ask us and the complainant for more information to assist in this initial preliminary review. If, following this stage, the IR considers that the complaint requires it, it will carry out an investigation. The IR not only investigates individual complaints about our services, it also undertakes audits of our complaints handling and provides an annual report on its work.

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**CLASSIFICATION – PUBLIC****Number of corporate complaints**

- 9 There has been a decrease in the number of complaints at all stages in the year 2017-2018 as the table below shows (see further paragraph 12).

Year	Stages 1 and 2	Stage 3
Nov 2014-Oct 2015	1,178	25*
Nov 2015-Oct 2016	1,366	14*
Nov 2016-Oct 2017	958	37*
Nov 2017-Oct 2018	827	26*

\*This is the number of matters fully reviewed by the IR. The number of preliminary reviews undertaken by it was higher (more than double) but some matters were out of remit, out of time or not pursued further by complainants. Stage 3 figures for the last period represent a period of 11 months from 1 November 2017 to 30 September 2018 (when the Independent Reviewer's contract came to an end). Stage 1 and 2 figures represent the full period of 12 months (from 1 November to 31 October 2018) to provide a direct comparison to previous periods.

- 10 During 2017/18, 87% of Stage 1 complaints were dealt with within 10 working days of acknowledgement (91% for the previous year) and 95% within 20 working days of acknowledgement by the CCT at Stage 2 (the same as the previous year).
- 11 The CCT works in close liaison with the IR to make sure that it is provided with all the information that it needs to carry out its Stage 3 work. It facilitates the six-monthly complaints audits and the senior staff meet representatives of the Reviewer service throughout the year.
- 12 Most of the complaints considered by the IR in the period under review were not upheld. And it observes in its report that throughout its three years of working with us it has seen consistent improvement in the service we offer in several areas. The percentage of complaints that were upheld in 2017/18 was 22%, (21% the previous year). The most common reason for complaints being upheld was delay (10 cases). The IR found no discernible trends but, rather, some isolated incidences of poor service.

**Recommendation: the Board is asked to note the Independent Reviewer's Annual Report 2017/18.**

**Learning from complaints and improving our services**

- 13 The CCT works across all areas of the organisation. It seeks not only to resolve complaints but to use the insight they provide to improve our handling of individual matters, our processes and our interaction with those who use our services.

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- 14 We welcome the improvement areas highlighted by the Independent Reviewer in its annual report.
- 15 We could not fulfil our role without people raising their concerns with us about those we regulate. We consider all complaints raised with us about solicitors, law firms and those who work in them carefully. Many will not lead to any form of regulatory action. This may be for a variety of reasons for instance, there may be insufficient evidence of a fitness to practise issue that we should be pursuing or there may be more appropriate bodies to deal with the matter (such as the Legal Ombudsman or the courts). We also receive complaints where there may have been a technical breach of our rules, but the issue does not warrant our intervention. Clearly, minor mistakes will occur from time to time in a solicitor's or firm's work and we try to balance our role as a proportionate regulator with our duty to ensure that the public have confidence in us to tackle the right things, at the right time.
- 16 Dissatisfaction with the outcome of a complaint about a solicitor or firm continues to be the top reason why our customers complain. It accounted for nearly 40% of the complaints we received at Stages 1 and Stage 2 in this time period, and 52 of the 80 Stage 3 complaints reviewed by the IR.
- 17 We have continued to learn from these complaints, and we have listened to those who use our services. We have run two pilots to change and improve the way we initially deal with complaints about solicitors. This includes a move to speak to the complainant and solicitor at the outset, to make sure we have properly understood the nature of the concerns, and to explain our role and powers.
- 18 Early indications are showing a reduction in the number of complaints being received about our decisions not to take action. This is encouraging and we will continue to monitor feedback and complaints as the pilot expands and becomes our business as usual approach.
- 19 Our new Standards and Regulations, which will be launched in November 2019, and supporting Enforcement Strategy renew the emphasis on the need for us to provide clear explanations, as the IR recommends. For example, they include rules that require us to give reasons to complainants about any decision to close a matter. And rules to inform solicitors, as soon as reasonably possible, when we start investigating a complaint.
- 20 The clarity of our writing is key to helping people, many of whom may be distressed or vulnerable, to understand what we do and the decisions we make. We promote our 'Writing the SRA Way' guidance, which sets out how we can explain complex matters in a clear and accessible way, with our staff. This includes training all new joiners as part of our induction training, refresher sessions and targeted training on key areas of our business as needed. Since we introduced our guidance and training we have seen a reduction year on year of the number of complaints received about our communication. We continue to introduce further training materials to ensure that we maintain operational focus on this key area.

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- 21 While complaints in relation to our service have reduced over this period, we know there is more work for us to do. We have a sharp focus on the experience of those who use services and are taking steps to improve how we work.
- 22 Our contact centre deals with 200,000 enquiries from solicitors and members of the public a year. This year it achieved accreditation from the Institute of Customer Service. We are rolling out the lessons learned across the organisation. This includes looking to do more to seek the views of those we work with on our operational service, as the IR suggests.
- 23 As we have been training our staff in readiness for the launch of our new Standards and Regulations we have placed a strong emphasis on the need to progress matters in a timely way, but with flexibility to allow those responding to us appropriate opportunity to do so, as highlighted by the IR.
- 24 The Reviewer also recommended that we look at the service provided by those who gather and securely store client files on our behalf following closure of solicitors' firms. We will continue to do this as part of our regular contractual reviews, providing feedback to these organisations on any complaints we receive about our interventions/intervention archives.
- 25 Although the Independent Reviewer did not identify any issues of discrimination in our services in its reports (and made positive mention of how we respond to requests for reasonable adjustments in one of its 2018 audit reports) we take any concerns of that nature seriously and we monitor the number of complaints that refer to potential discrimination.
- 26 There were eight complaints raising allegations of discrimination in 2017/18 (10 last year) and we looked at these in Stage 1 and, in some instances, Stage 2 of our processes. While we did not find we had acted in a discriminatory way, our explanations in some instances could have been clearer and lack of clarity may have led to a perception that we had not dealt with a matter fairly. As set out in paragraphs 17 and 20 above, we continue to train our staff to provide clear and accessible explanations of our decisions.
- 27 A key role for our Corporate Complaints Team is to feed back on key themes to the wider organisation. That feedback includes Equality, Discrimination and Inclusion (EDI) considerations, including advising operational units on Stage 1 complaints involving allegations of discrimination. The team also feeds back if it is noted as part of a Stage 2 review that reasonable adjustments could have been offered. We have also introduced a central logging process for reasonable requests to support better tracking. The CCT team seeks guidance from the Equality, Diversity and Inclusion team where appropriate.

**Recommendation: the Board is asked to note the key areas we continue to focus on in order to improve our service.**

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### **Supporting information**

#### **Links to the Strategic Plan and / or Business Plan**

28 Our corporate complaints processes support our strategic objectives 1 and 5

1 We will set and apply consistently high professional standards for the individuals and firms we regulate and make sure they are appropriate to meet the challenges of today and the future

5 We will work better together and with others to improve our overall effectiveness, our responsiveness and the delivery of our regulatory functions.

#### **How the issues support the regulatory objectives and best regulatory practice**

29 The issues discussed in this paper support the Legal Services Act regulatory objective to protect and promote the public interest. They relate to all five of the Better Regulation Principles: proportionate, accountable, consistent, transparent and targeted.

#### **Public/Consumer impact**

30 Our corporate complaints reporting at all stages helps us to better understand the experience of the public and businesses who use our services and learn where we can make improvements.

#### **What engagement approach has been used to inform the work and what further communication and engagement is needed**

31 The IR's Annual Report for 2017/2018, and its predecessor reports, are published and we use its feedback to improve our service with complainants. We also report on our corporate complaints handling in our own annual reporting.

#### **What equality and diversity considerations relate to this issue?**

32 This paper covers complaints about discrimination within our services, noting that we received eight such complaints in 2017/18 and setting out what we are doing to address any issues of this nature. We also recognise that the clarity of our writing is key to helping people, many of whom may be distressed or vulnerable, to understand what we do and the decisions we make. We provide guidance for staff and train out our approach to communication from induction onwards.

**Author** Rachel Pillinger, Head of Corporate Complaints

**Date** 1 October 2019

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**Annexes**

- Annex 1**            **SRA Independent Reviewer at Ombudsman Services Annual Report November 2017 - October 2018**
- Annex 2**            **Ombudsman Services addendum report September 2019**