

## Standards of service

23 November 2020

### Why this risk matters

Poor standards of work or service can cause long-lasting and irreparable impacts on people. For example, if the solicitor has not maintained their legal skills and knowledge and not given an appropriate standard of service people's health, life, liberty and finances can be harmed. Also, the stress or difficult circumstances that many of those needing legal help experience will be made worse.

The public's confidence in the rule of law and the overall effectiveness of the legal system can also be negatively affected by poor standards of work and service.

Poor standards of work or service can lead to complaints, negligence claims or compensation fund claims. Claims made to insurers and to our compensation fund also add to firms' costs and, therefore, to the cost of legal advice.

A high proportion of the reports to us are about inadequate client care, including delays and poor communication. Our [case studies](https://jobs.sra.org.uk/solicitors/guidance/proper-standard-service/) [\[https://jobs.sra.org.uk/solicitors/guidance/proper-standard-service/\]](https://jobs.sra.org.uk/solicitors/guidance/proper-standard-service/) give some examples of these.

We publish an [annual summary of complaints to law firms](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-2019/) [\[https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-2019/\]](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-2019/). Most complaints received by firms are about delay, failing to properly advise and excessive costs.<sup>1</sup> [\[#n1\]](#) Some of these types of complaints can be resolved or avoided through better communication to manage people's expectations. For example, letting people know about any delays, even if this is outside the firms' control, such as court delays.

Maintaining appropriate standards is easier where firms have workplace cultures that encourage trustworthiness and communication about mistakes and the lessons learned from these.

The effects of Covid-19 led to changes in how some firms deliver their services. For example, where signatures must be witnessed or identification needs to be checked. There is a risk that, because some of the changes were introduced very quickly, firms might find that they do not provide the high professional standards expected. And, Covid-19 increases the risk that some staff might be ill, which can affect firms' abilities to meet customers' needs.

### Who is most at risk?



Many people and businesses find it hard to judge the quality of legal advice.<sup>2</sup>[\[#n2\]](#) People often do not know what to expect from a solicitor or cannot check whether the work, advice and service was reasonable.

It can sometimes take months or years for people to know about any errors or poor service and be able to seek redress. And, sometimes redress is not an option, or might be inadequate.

People who are vulnerable are at higher risk from poor standards of service or work because, for instance:

- People who do not fully understand the possible outcomes of a legal process or transaction are vulnerable to being taken advantage of.
- Language or communication barriers can mean that some people might not be able to:
  - express their instructions clearly
  - understand the legal work and process.
- People with poor physical and mental health, disabled people, elderly people and those seeking asylum are at higher risk of the harms associated with communication difficulties. And, they are also less likely to have any mistakes or poor service remedied.<sup>3</sup>[\[#n3\]](#)
- Some situations can make even the most confident people become very vulnerable, for example, if they are grieving, at risk of violence or have been arrested.

‘...people with less visible mental health and learning or social disabilities have a different and more challenging experience in accessing information and services than people with more visible impairments [...] consumers in vulnerable situations had concerns with clarity around costs and communication received.’ YouGov, 2019<sup>4</sup>[\[#n4\]](#)

The effects of Covid-19 mean that standards might be at risk for the firms that have:

- diversified into practice areas outside their normal area of expertise
- made fee-earning or support staff redundant
- changed their working arrangements, which might:
  - reduce the chance to share ideas and ask about concerns
  - change the availability and accessibility of training and development
  - make supervision more difficult.

We have seen the effects of these types of changes before. Common ways in which the quality of advice and service can be affected include:

- firms failing to plan for hard financial times can lead to disorderly closures
- firms losing staff can leave too few people to maintain proper standards



- staff being under stress and increased uncertainty, which reduces the quality of service that they provide.

Many solicitors have experienced increased pressures on their time and wellbeing because of the effects of Covid-19. For example, because of:

- delays in the legal process or justice system
- customers' worsened personal or financial circumstances<sup>5</sup> [\[#n5\]](#)
- fewer fee earners and support staff.

Without enough time to give due consideration to their work and maintain their legal skills and knowledge, work might not meet the required standard.

## **Spotlight on personal injury sector**

We receive more reports relating to poor service from personal injury (PI) firms than we do from others. These reports are often because of training and supervision issues.

Covid-19 has meant PI firms' work has reduced, as the lockdowns intended to keep people safe from the virus have resulted in fewer accidents and injuries. We know firms are faced with difficult choices where there is a sustained fall in demand, including moving away from PI work or merging with another firm. We sometimes see cases where a firm has taken over another but has only protected the live files, so we have to intervene to protect the archive.

Every firm will need to find strategies to suit their own circumstances. Customers' needs should be the priority and firms should continue to meet high professional standards even in stressful times. This includes:

- supervising work appropriately
- communicating with people about decisions that will affect their case
- making sure people's money and papers are fully protected.

## **Spotlight on managing claims**

We continue to see concerns about firms that manage volume claims. In some cases, solicitors have allowed their relations with claims management companies to compromise their independence. Others have not confirmed that their instructions are genuinely from the client.

Claims work has been affected by multiple reforms as well as the effects of Covid-19 on consumer behaviour, as set out in the market landscape. Some new types of claims are likely to increase, such as employees having had to work while on furlough or clinical negligence during the Covid-19 pandemic. When taking on new types of claims, it is as important as ever to make sure that:



- the service being provided is appropriate
- consumers are told about their different options and possible outcomes
- everyone providing the service is competent to do so.

The guidance in our warning notices on Payment Protection Insurance and holiday sickness claims will be relevant to most types of claims.

## We recommend

### Know your obligations

You and your firm have a duty to maintain high standards of service and competence in line with our [Standards and Regulations](https://jobs.sra.org.uk/solicitors/standards-regulations/) [<https://jobs.sra.org.uk/solicitors/standards-regulations/>] and [Statement of Solicitor Competence](https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/archive/resources/archive/use-competence-statement/) [<https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/archive/resources/archive/use-competence-statement/>].

Everyone in your firm must be competent for their role. This includes keeping professional knowledge and skills up to date, as well as understanding legal, ethical and regulatory obligations. You must meet our continuing competence requirements, which includes reflecting on your practice.

Your firm must also make sure that all matters are appropriately supervised.

All firms and some individual solicitors [must publish](https://jobs.sra.org.uk/solicitors/standards-regulations/transparency-rules/) [<https://jobs.sra.org.uk/solicitors/standards-regulations/transparency-rules/>] their complaints handling procedure, including information about the Legal Ombudsman (LeO) and us, on their website. Firms and solicitors without a website must make this information available on request. This is in addition to the information about complaints that you must give your clients as part of our Codes of Conduct for firms and for solicitors.

### Have the right controls

Do you give realistic time and cost information to people, and have systems that allow work to be dealt with in good time?

#### Ask yourself

Does your firm audit cases to check both the standard of the work and service?

Do you give realistic time and cost information to

#### Actions to help you control the risk

Auditing cases can help to encourage a culture of high standards, as well as being part of the supervision and support given to fee earners and other staff.

Giving clear and accurate information can avoid complaints about delays and a lack of progress. Having work planned out in advance can also



people, and have systems that allow work to be dealt with in good time?

reduce the pressures on fee earners to process work in a short time, which could lead to poor standards of work and service.

It is good practice to tell people at the start of the work:

- what work your firm is going to do and who will do it
- how much it will cost and if this could change
- the possible outcomes
- how often they can expect to be updated.

Our [client care letters guidance](https://jobs.sra.org.uk/solicitors/guidance/client-care-letters/)

[\[https://jobs.sra.org.uk/solicitors/guidance/client-care-letters/\]](https://jobs.sra.org.uk/solicitors/guidance/client-care-letters/) will help you make your information clearer.

Do you ask for feedback and share feedback?

An open workplace culture will help you improve your service and help people to get support when they need it.

Does your firm's supervision arrangements reflect any changes in working practices?

You might not be able to rely on systems that worked when everyone was in the office. You should review and update your arrangements to make sure that everyone receives the appropriate support and that work is the required standard.

Can your firm still deliver services when staff are unexpectedly absent due to illness?

Firms should have arrangements in place so that they can, for instance:

- transfer files to other staff, either temporarily or permanently
- make alternative arrangements for meeting customers' needs and keep them informed of any changes.

Is everyone in your firm open to learning:

- about the needs of different consumer groups
- from mistakes and complaints?

A 'no blame' workplace culture that supports everyone to learn from each other will help to improve standards. It is important to understand the cause of any mistakes as staff might need support in their work or for their physical and mental health. And, being open to learning and change means that both you and consumers will benefit from improved service and work quality.

## Understand consumer needs



Understanding the needs of each consumer means that the right service and advice can be given. This means that:

- people and businesses are more likely to be satisfied with your service
- you are more likely to retain clients and be recommended to others
- you will have fewer complaints.

Your communication skills are an important part of this, so that you can clearly:

- explain the legal advice, process, possible outcomes and options
- explain the costs and give appropriate updates
- keep consumers informed of progress.

People will have more trust in their solicitor if:

- their expectations have been managed
- they can see that the procedures are applied consistently and are free from bias
- they have been treated fairly, with respect and dignity.

## Get more information

Our topic guide on [competence and standard of service](https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/) [https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/] explains our approach to investigating individuals and firms when standards fall below what we would expect.

Our [continuing competence resources](https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/reflect-identify/) [https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/continuing-competence/reflect-identify/] give useful information to help you reflect on the ongoing quality of your practice. And we have resources for solicitors practising in the [youth court](https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/youth-court-advocacy/) [https://jobs.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/youth-court-advocacy/] that is also useful for all advocates.

Our [guidance on the transparency rules](https://jobs.sra.org.uk/solicitors/resources-archived/transparency/) [https://jobs.sra.org.uk/solicitors/resources-archived/transparency/] will help you to comply and improve the information you share. It includes guidance on how to publish complaints procedures and engage with online reviews. And our coronavirus guidance includes answers to some common questions about your regulatory obligations and education and training requirements.

[LeO](http://www.legalombudsman.org.uk) [http://www.legalombudsman.org.uk] has resources on giving a good standard of service and responding to complaints.

Visit [Your Health, Your Career](https://jobs.sra.org.uk/solicitors/resources-archived/your-health-your-career/) [https://jobs.sra.org.uk/solicitors/resources-archived/your-health-your-career/] for information about how we can help you and about how you can support others in your firm. Solicitors and other

staff can also seek support, for example from the [Solicitors Assistance Scheme](http://www.thesas.org.uk/) [http://www.thesas.org.uk/] or [Lawcare](http://www.lawcare.org.uk/) [http://www.lawcare.org.uk/]. We give firms [guidance for financial difficulties](https://jobs.sra.org.uk/solicitors/guidance/firm-closures-due-financial-difficulties/) [https://jobs.sra.org.uk/solicitors/guidance/firm-closures-due-financial-difficulties/] and on [their duties](https://jobs.sra.org.uk/solicitors/guidance/closing-down-your-practice/) [https://jobs.sra.org.uk/solicitors/guidance/closing-down-your-practice/] if they need to close.

‘Every day solicitors use concentration, focus and clarity of mind to provide competent legal services to their clients; solicitors with poor mental health will find it harder to do so and are more likely to make mistakes and poor ethical decisions. Mental health and wellbeing matters at an individual, firm and wider professional level. Every legal practice needs to recognise the value of mental health and take positive action to create workplace cultures where staff thrive and are supported to do their best work.’

Elizabeth Rimmer, Chief Executive, LawCare

## What we are doing

### Supporting firms and solicitors

Our Standards and Regulations and the Solicitors Qualifying Examination (SQE) aim to give greater assurance of high professional standards. The SQE will mean that newly qualified entrants all meet the same requirements, regardless of where they studied or trained.

Our [first-tier complaints report](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-2019/) [https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-2019/] helps the profession to understand the most common causes of complaints, so they can address any areas of weakness in their firms.

### Regulating based on evidence

Our reforms, such as our Standards and Regulations and transparency rules, are based on research and extensive consultations. We have published independent research on the initial impact of the transparency rules and we have further evaluations planned. Similarly, the SQE was developed over nine years of careful evidence gathering, including independent reports on its potential impacts on diversity in the profession. And the SQE will be independently evaluated at different stages after it is introduced.

We listen to the views of all those who respond to our consultations and publish our responses. We consider any evidence we receive to make sure that we balance the interests of consumers and firms. For example, we have recently consulted on improving standards in advocacy and maintaining standards of advice and services in immigration work.

## Taking appropriate action

Most solicitors meet the high standards expected of them and uphold the rule of law and administration of justice. Where solicitors do not comply with their professional obligations, we will investigate and take action if appropriate. Our [enforcement strategy](https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/) [https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/] sets out how we enforce the standards where needed.

Our annual [Upholding Professional Standards](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/) [https://jobs.sra.org.uk/sra/how-we-work/archive/reports/] report sets out how complaints to us are handled, how we investigate, and how we decide on any regulatory action. And our [enforcement strategy guide on competence and standards of service](https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/) [https://jobs.sra.org.uk/sra/corporate-strategy/sra-enforcement-strategy/enforcement-practice/competence-standard-service/] sets out the differences between what we and LeO investigate.

We can decide to take action if firms are not complying with our continuing competence and transparency rules requirements.

## Helping consumers

Our Codes of Conduct for solicitors and firms help people understand the standards they can expect. And we update our website and work with consumer groups to share other information. As part of our advocacy programme of work, we are developing more resources for the public on what to expect from their solicitor and how to report poor practice to us.

We run [Legal Choices](https://www.legalchoices.org.uk/) [https://www.legalchoices.org.uk/] on behalf of the legal regulators to help people understand their options and what they can expect.

If a member of the public reports a concern to us that we cannot help with, we will signpost them to an organisation that might be able to help. And we publish [joint guidance](https://jobs.sra.org.uk/consumers/problems/report-solicitor/) [https://jobs.sra.org.uk/consumers/problems/report-solicitor/] with LeO to help people decide whether their concern should be reported to us or to it.

## On the horizon

The Legal Services Board (LSB) intends to publish a statutory policy statement on quality indicators in 2021.<sup>6</sup> [6] And, the Legal Services Consumer Panel called for regulators to help consumers better understand the quality of service they can expect.<sup>7</sup> [7] We will be doing more work in this area, including:

- reviewing the findings of the one-year evaluation of the transparency rules to make sure that our approach to this work is evidence based





- engaging with the providers of digital comparison tools and review websites to discuss the impact of the rules and other transparency measures, including the barriers that might deter firms signing up to their services
- relaunching and publicising our guidance for firms on engaging with online review websites
- publicising the regulatory data we already provide to other organisations
- exploring opportunities to improve the availability of quality indicators, including in collaboration with other regulators.

As well as introducing the SQE in 2021 to make standards consistent for newly qualified solicitors, we are reviewing our approach to regulating solicitors' continuing competence. The focus of our review is on making sure that our approach continues to protect the public, remains proportionate and is targeted. We will engage with the LSB and our review is likely to continue over several years.

We will be introducing revised standards for higher rights of audience (HRA) and police station advisers in 2021. And, there will be a single provider that assesses the new HRA standards in 2022. This is part of our wider programme of work to better assure advocacy standards.

We are developing resources for criminal and civil solicitors to help them meet their practice challenges. We are also developing resources for solicitors in the coroner's court and in immigration.

In addition, we are commissioning research on technology and innovation. This will include looking at how technology is used to support solicitors' work and service, and how we can support firms to innovate.

## Notes

1. SRA, [First tier complaints 2019-20](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-report/) [https://jobs.sra.org.uk/sra/how-we-work/archive/reports/first-tier-complaints-report/], 2020
2. Legal Services Consumer Panel, [Consumers feedback on quality indicators in legal services](https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/) [https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/], 2020
3. SRA, [Reasonable adjustments in the provision of legal services](https://jobs.sra.org.uk/sra/how-we-work/archive/reports/reasonable-adjustments/) [https://jobs.sra.org.uk/sra/how-we-work/archive/reports/reasonable-adjustments/], 2019; LSB, [Experience of consumers in vulnerable circumstances with different legal services providers](https://www.legalservicesboard.org.uk/research/reports/experience-consumers-vulnerable/) [https://www.legalservicesboard.org.uk/research/reports/experience-consumers-vulnerable/], 2017; Legal Services Consumer Panel, [Consumer impact report](https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/) [https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/], 2020,
4. YouGov for the SRA, [Reasonable adjustments research](https://yougov.co.uk/topics/resources/articles-reports/2019/11/01/reasonable-adjustments-provision-legal-services/) [https://yougov.co.uk/topics/resources/articles-reports/2019/11/01/reasonable-adjustments-provision-legal-services/], 2019



5. It is good practice to signpost consumers to other professional services to help them resolve issues outside the legal work.
6. Legal Services Board, [The Legal Services Board's submission to the Competition and Markets Authority's review of the legal services market study in England and Wales](https://www.legalservicesboard.org.uk/wp-content/uploads/2020/09/LSB-response-to-CMA-CFI.pdf) [<https://www.legalservicesboard.org.uk/wp-content/uploads/2020/09/LSB-response-to-CMA-CFI.pdf>], 2020
7. Legal Services Consumer Panel, [Consumers feedback on quality indicators in legal services](https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/) [<https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports/>], 2020