

Looking to the Future: Better Information, more choice

Analysis of responses

June 2018

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Foreword

1. This document sets out the feedback we received to our consultation [Better information more choice](#). Our policy position for each of the areas we consulted on is outlined in our [post consultation position paper](#), which is published alongside this document.

Who responded

2. We received 80 responses to our consultation. A detailed list of respondents can be found at annex one. A breakdown of the equality, diversity and inclusion data of respondents can be found at Annex two. We received responses from:
 - consumer representative groups, including Citizens Advice
 - charities
 - law societies
 - firms
 - individual solicitors
 - members of the public, including retired solicitors
 - other legal professionals such as barristers.
3. We also spoke to thousands of people in a wide range of different ways both before and throughout our consultation period. For example:
 - we spoke at 26 different events, which were attended by lawyers, the public, consumer bodies and other stakeholders
 - the relevant pages on our website were viewed more than 4,000 times

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- 1,461 people watched our webinars and Periscope broadcasts, both live and on-demand
- 14,721 people voted in our Twitter polls.

Asking firms to make more information available to consumers

4. We proposed to introduce a requirement for SRA regulated firms to publish price for certain legal services. Our consultation set out suggested areas that we have identified as common services that members of the public and small businesses purchase and services that could be commoditised to a certain extent. We asked respondents views on the proposed areas and which we should proceed with mandating price publication in initially.
5. We also proposed that firms should also be required to publish a description of the services provided in the same types of legal services as they provide price information about.

Question 1

In which of the services suggested do you think we should proceed initially with requirements for price publication and are there any other additional categories that we should consider?

6. We set out a number of areas in the consultation which we proposed would be suitable to mandate price publication in. We asked for respondents' views on which of these areas we should proceed with initially.

Responses

7. Respondents offered mixed views on our proposals to publish price information. Most respondents have stated that if we are to proceed with requiring price publication it is important that the information is accurate, reliable, easily accessible and published in a prominent place on a firms' website (ie a firm should not be able to hide the information away at the backend of their website). Other respondents suggested specific requirements, for example, the Federation of Small Businesses has suggested that the use of extensive exclusions and qualifications of price information should be prohibited.
8. Charities such as the Citizens Advice Bureau and Age UK expressed support for our proposals and welcomed a move towards greater transparency in the legal

services sector. The Citizens Advice Bureau expressed support for the areas concerning family matters such as divorce.

9. The Legal Services Consumer Panel also expressed support for our proposals and overall found our transparency measures to be well considered. They also proposed that in addition to the areas outlined in the consultation we should proceed with mandating price publication for immigration services. This is one of the areas they identified in their report Priority areas of law, for regulators to focus on.¹
10. The legal services that we have received most support for proceeding with publication requirements are wills and residential conveyancing. There has also been some support for proceeding with probate. Generally, law firm and solicitor respondents who have expressed support for our proposals say that price publication is only realistic in services that can be commoditised. One respondent, Legal Beagles, has said that it is common practice for firms to have set basic price lists for some legal services (albeit not published), so it should not be too burdensome on firms to comply with any requirement we introduce.
11. Leeds Law Society and a few law firm respondents expressed concerns around proceeding with mandatory price publication for personal injury and employment tribunal cases. They raised concerns that these services are subject to variables and that it is difficult to know the cost of a matter before engaging with a potential client.
12. The Association of Personal Injury Lawyers (APIL) suggested that we should develop a standard wording on how fees in personal injury cases are calculated and what this entails. This should include the different types of fees such as:
 - conditional fee agreements
 - damages based agreements

¹ Legal services consumer panel, [Priority areas of law](#), 2016

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- trade union funding
 - success fee (including information on the maximum percentage the law permits this to be and how it is calculated).
13. APIL also suggested that we should require firms to set out their approach to after the event insurance, common disbursements and under what circumstances a client has to pay if they lose their case.
14. The Law Society responded to this question and question two as one. They did not support this proposal. And have, in summary, given the following reasons:
- There is a risk of causing consumer confusion and overloading them with information. Consumers have a low level of understanding of legal services and some consumers may not even be able to assess the extent of their legal needs without consulting a solicitor.
 - Non-regulatory options will be more effective, and the market is best placed to address these issues.
 - The proposed areas of law span both reserved and non-reserved activities in the legal services act, this can exacerbate inconsistencies between regulated and non-regulated providers and the unlevel playing field between the two.
15. For their response, LawNet conducted a survey of their members to which they received 88 responses. They asked members which of the legal services set out in our consultation would be the easiest for their members to publish price information The response was, in order: residential conveyancing, drafting a lasting power of attorney, drafting of a will and, lastly, motoring offences. LawNet members stated that in the remaining areas of law we set out in our consultation it would be more difficult to provide price information. For small businesses, the easiest areas for LawNet members would be debt recovery and licensing applications in relation to business premises.

16. Other concerns raised by respondents include:

- The SRA's ability to monitor compliance with any publication requirement and to act where non-compliance has been identified.
- The risk that our requirements impose a cost on the entire regulated community that will be passed on to clients.
- Introducing a requirement to publish any price information will lead to 'a race to the bottom' and steer consumers to choosing the cheapest service, rather than that which is most suited to their needs.

Question 2

Do you agree with our proposed principles of price transparency?

17. In the consultation we outlined a set of principles for price transparency, for example that firms should provide the total cost where practicable, including VAT. We asked for respondents' views and comments on these proposed principles.

Responses

18. We set out our proposed principles for price transparency at paragraph 45 of the consultation document and at Annex 2. However, many respondents did not answer this question in relation to the principles set out there. Instead, they interpreted this question to be about whether they agree with the proposal to introduce price publication requirements at all.

19. Consumer representative groups such as Citizens Advice and the Legal Services Consumer Panel were supportive of this proposal. Comparison websites such as Reallymoving and Legal Beagles also expressed support. Age UK expressed support for our proposals to make price publication mandatory in some areas of law and suggested that it should be based on a number of tightly crafted benchmark scenarios for which all SRA regulated firms should have to publish an annual quotation.

20. Several law firm respondents expressed support for our proposed principles, stating that they agreed that further price transparency will be beneficial for the legal services market and will help firms innovate and provide services in new ways.
21. Most respondents (both those who agreed and those who disagreed) stated that we will need to be careful if we do implement any price transparency requirements, as it will be vital that consumers are provided with the right information. Respondents, including the Law Society, stated that there is a risk that price information will not be meaningful as firms may have to take too many variables into consideration.
22. The law societies of Liverpool, Manchester and Hampshire were among respondents who disagreed with our proposed principles. They suggested that publishing price information will lead to a “race to the bottom”, with firms cutting corners and providing cheap, but poor services in order to win clients.
23. Several respondents, including law firms and the Law Society, also said that there are a large number of variables that can affect price, so even if a price is given on the website, the final quote might change when the consumer engages with the firm and provides more background on their case.
24. Respondents who disagreed also questioned how useful people would find price information, given that consumers tend to make one off purchases of legal services and have low knowledge of what their legal needs are. There were also a few who suggested it would be a disadvantage for regulated firms to introduce price publication requirements, as the non-regulated sector will not have to provide this information and the burden on regulated firms will be increased.
25. Respondents who disagreed also questioned if price transparency requirements should be introduced without any requirement to publish quality measures as well. Many reasoned that this would risk driving competition on price alone, which would lead to an undue amount emphasis being placed on price when choosing a provider.

26. The Black Solicitors Network stated that they do not agree entirely with our proposed principles, as they believe the proposals may disproportionately affect smaller firms. A significant proportion of these firms are Black and Minority Ethnic (BAME) firms.

Question 3

Is there a need for any specific exemption from the price publication proposals for firms dealing exclusively with large commercial clients? If so how should any exemption be defined and operate?

27. The focus of these proposals, and the CMA's investigation which prompted the consultation is on members of the public and small businesses, , not large commercial clients. We therefore asked respondents for their view on whether firms with this type of client should be excluded from any price publication requirement.

Responses

28. Respondents had mixed views on this question. The City of London Law Society and several law firm respondents expressed support for an exemption for this type of firm. They did not think that there would be much value in commercial clients having access to this type of information given that the purpose of the proposed publication requirement is to help address the information asymmetry between consumers and firms. This imbalance does not exist in the same way between corporate clients and firms.
29. Several respondents who work with large commercial clients have also suggested that commercial clients often have varied needs and may require bespoke work, which cannot be commoditised up front.
30. Some respondents suggested that an exemption should go further than being for large commercial clients. They feel that high net worth individuals would not benefit from increased price transparency in the same way as other consumers and therefore imposing requirements on firms that provide services to this type of client would be create an unnecessary regulatory burden.

31. Many respondents misinterpreted this question as asking whether the price publication requirements should cover commercial law.
32. The Law Society stated that for the sake of certainty and consistency, no section of the profession should be singled out for different treatment and that any obligations should apply as equally as possible across the sector.
33. Those who disagreed with this proposal stated the following, in summary:
 - It can be disadvantageous and unfair to those firms who do not fall under the exemption.
 - All firms should be subject to the same regulatory requirements.
 - Firms subject to the price publication rules would more often be small or medium sized firms, who may also not have the same resources as larger firms to comply with a publication requirement.
 - Some questioned why these types of clients should be excluded from the benefits of price publication.

Question 4

Do you agree with our proposals to introduce requirements in relation to description, staff, stages and timescales in any legal services where we decide to require price publication?

34. We consulted on a proposal to require firms to publish a description of the services included in the same areas in which we propose to mandate price publication.

Responses

35. Respondents broadly answered this question along the same lines as they did questions one and two. Many respondents stated that if we do proceed with this requirement we should be very clear about the information we expect solicitors to provide.

36. Respondents who agreed with this proposal include Citizens Advice, Reallymoving, the Legal Services Consumer Panel, the Legal Ombudsman (LeO), Rights of Women and Age UK.
37. Those who agreed suggested that more information provided to consumers helps educate them. Helping consumers understand the nature of legal services helps address information asymmetry. However, some respondents suggested that there is a risk of increased complaints if firms cannot meet the indicative timescales they have published, despite the delay perhaps not being their fault.
38. Some suggested that if this requirement is introduced, we should consider providing a standardised wording, making comparison easier for the prospective users of legal services.
39. A few of those who were supportive of this proposal said it is important that enough information be provided so that people can understand what they are paying for. For example, firms should be clear if there is a choice between a cheaper service where a paralegal is doing the work under the supervision of a qualified solicitor compared to a solicitor doing the work.
40. Citizens Advice state that more knowledge of the process will help people going through a stressful time (such as divorce). They said that few people know what lies ahead when they begin divorce proceedings and they also have little knowledge of what they can expect of their solicitor.
41. Those who disagreed, such as the Manchester and Birmingham law societies, with this proposal generally expressed their disagreement along the same lines as they did to questions one and two. These respondents mentioned that there is a risk of information overload, making it difficult for consumers to assess the information due to lack of understanding of legal services and of the solicitors' profession. Respondents also stated that for some more complex matters, or in larger firms, it is not possible to pre-determine who will be working on a matter, making information about staff difficult for consumers to use with accuracy.
42. The Law Society does not support this proposal. They have stated that there are some areas of law that present significant problems in terms of predicting cost,

and that consumers views of what information they find most useful varies between areas of law and different context.

43. Some respondents also questioned how we would monitor compliance with this requirement. Some were also concerned about the cost of compliance and change as well as the ongoing cost of compliance (ie when information would need to be updated or changed) and mentioned that introducing this type of requirement can be a financial burden on firms. They believe that this burden is not off-set by the potential benefits of the proposal.

Regulatory status and protections

44. We proposed that firms should publish more information about what protections they can offer. We proposed that firms should publish the following information on their websites:

- A 'regulated by the SRA' digital badge.
- That consumers may be eligible to claim on the SRA Compensation Fund which could be promoted by using a 'SRA Compensation Fund' logo.
- That the firm holds professional indemnity insurance (PII) to our minimum terms and conditions (MTCs) (including the amount of the minimum cover), contact details of the insurer and the territorial coverage.
- Details of the firm's complaints procedure.
- How and when clients can complain to the Legal Ombudsman (LeO).

Question 5

Do you agree with our proposal to introduce an "SRA regulated" logo and digital badge?

45. We sought respondent's views on our proposal to develop a digital badge and logo which will denote SRA regulation. We proposed that use of the badge would be mandatory for all firms, and that the logo could be used on non-digital communications.

Responses

46. The majority of respondents – including Age UK, a number of individual solicitors, firms, LawNet, comparison websites, City of London Law Society and the Black Solicitors Network – supported the introduction of a logo and digital badge because they considered:

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- A logo would increase consumer trust in regulated solicitors and firms.
- Increased online protections for firms by deterring identity cloning/ impersonation.
- It would help raise consumer awareness of the advantages of using a regulated provider and highlight protections available.
- It would help regulated firms distinguish themselves from unregulated providers.

47. The Law Society recognised the need for increased consumer awareness of regulatory protections but did not agree with our proposal. In addition, the Federation of Small Businesses, local law societies, individual solicitors and some firms also opposed a digital badge because they considered that:

- the public do not understand the role and function of SRA and therefore a logo and badge have no contextual meaning – creating awareness would be costly and time consuming
- raising awareness of regulatory protections will be ineffective as most consumers already think that all legal services are regulated and that consumers do not think of regulation at point of purchase
- it will increase consumer confusion during a period of significant reform eg allowing solicitors to provide non-reserved legal services.

48. Concerns around the effectiveness of a digital badge and logo were shared by other respondents supportive of our proposal. The LeO, Junior Lawyers Division and APIL called for us to ensure that consumers were aware of the logo and badge. Whilst supportive, the Legal Services Consumer Panel, warned against the proliferation of logos in the sector and the negative impact on consumers this would cause.

49. A handful of positive respondents were concerned that the development and implementation of a digital badge could increase the cost of regulation on firms.

Question 6

Do you have any suggestions as to how we can best increase consumer awareness of the logo?

50. Respondents who answered this question suggested:

- Marketing campaigns – online or printed press using publications targeted at consumers.
- That logo publication needs to be accompanied by wider awareness raising on the protections that come with the SRA regulation and on the role and function of the SRA as a regulator of legal services.
- Communication should also focus on highlighting the consumer benefit of regulation.

51. A couple of individual solicitors offered their support to help us consider how best to publicise the logo.

Question 7

Do you agree with our proposal to introduce a requirement to publicise the existence of the Compensation Fund with a voluntary logo?

52. We proposed developing a second logo which would denote access to the Compensation Fund. This would have been one way for firms to fulfil the proposed requirement on firms to publish details on their website about some clients being eligible to submit a claim to the Compensation Fund in the event of loss.

Responses

53. There was some support for the introduction of a voluntary Compensation Fund logo from a range of stakeholders including LawNet, individual solicitors, firms, Black Solicitors Network and the APIL. It was felt a logo would:
- raise awareness of the Compensation Fund to consumers
 - help consumers – especially those that are more engaged – to make an informed purchasing decision.
54. In addition, supportive respondents felt that firms who contribute to the Compensation Fund should have freedom to display a logo indicating this.
55. However, most respondents did not support our proposal. The Legal Services Consumer Panel did not agree with our proposal. They suggested publicising an additional logo would be resource intensive and consumers would struggle to understand it given the introduction of a wider regulated by the SRA badge. They also commented that with other regulators making similar proposals to introduce badges and logos, consumer confusion would be increased.
56. Concerns were also raised by respondents including the Law Society, firms, individual solicitors, local law societies, Junior Lawyers Division that the logo would:
- Be ineffectual at raising consumer awareness without significant marketing.
 - Be misleading and increase consumer confusion because of the discretionary basis on which the Compensation Fund works, and most claims will be covered by PII in the first instance. Additionally, if firms sign-post to the Compensation Fund it is likely to lead to consumers expecting it to cover all events, which is not the case.
 - Replicate the requirements in the Code of Conduct that a solicitor must explain protections.

- Be unlikely to add value given that clients who find themselves in a position where: (i) their money is misappropriated or otherwise lost; and (ii) a claim by such person against their solicitor is not covered by PII, will find out about the fund quickly.

Question 8

Do you agree with our proposals on the publication of PII details?

57. We proposed to introduce a requirement on firms to publish on their websites that they hold PII to the MTCs, the name of their insurer(s) and the territorial cover of the insurance.

Responses

58. A minority of respondents agreed with this proposal, including the Legal Services Consumer Panel, Age UK and several law firm respondents. Some local law societies, including Birmingham and Cardiff and district law societies also support this proposal. Most who agreed have stated that publishing the suggested PII details increases transparency and gives consumers more security. It could also act as a competitive advantage for SRA regulated firms as they can show what protections they offer clients.
59. Some respondents agreed with the proposal in part, suggesting that instead of requiring the publication of all the details laid out in our proposal, it should be sufficient for a firm to state that the firm holds PII to the MTCs, but not to have to provide the name of the insurer or any more detailed information.
60. A few respondents also questioned whether a separate requirement for the publication of PII details is needed if we proceed with our proposal to introduce a regulated by the SRA logo. They suggested that this would be covered by use of the logo.
61. Some respondents who disagreed, such as the City of London Law Society and Howden UK Group Limited, have stated that they think that the introduction of a rule requiring the publication of these details is redundant as there is already a legal requirement to publish this information in the POS 2009 directive. Some

respondents also questioned whether the publication of the insurers contact details would lead to consumers pursuing the wrong channels when seeking compensation.

Question 9

Do you agree with the proposal for firms to publish details of how to complain?

62. We proposed to require firms to publish their complaints handling procedure (including timescales) on their website.

Responses

63. A small majority of respondents agreed with this proposal. There was support from consumer representative groups such as Citizens Advice, who stated that there are several reasons why consumers do not initiate a complaint when they want to, including not knowing the process or the amount of time it will take. Several law firm and solicitor respondents also expressed their support for this proposal, including LawNet.

64. Other comments from respondents who agree include:

- Publishing this information would be in line with other sectors, and the overall move in most industries which puts more power into the hands of consumers.
- Publishing this information is necessary to achieve full transparency.
- Having this information available online can also help clients who have engaged the firm but lost the paperwork which tells them how to complain.

65. The Law Society did not agree with this proposal. They stated that the proposal appears reasonable but questioned the need to post this type of information on a firm's website, given the cost to the business of any change. They also state that

publishing this information is unlikely to influence consumer choice, and that the client care letter is a more appropriate place to disclose this information.

66. Comments from other respondents including solicitors and firms who disagreed include:

- This information would not affect consumer choice and would be another cost and burden to firms in having to make changes to their websites.
- The City of London Law Society questioned the need for this type of requirement, given that the Provision of Service Regulation 2009 has a requirement for firms (service providers) to provide this type of information to users of their service.
- Many who disagree have said they do not think this requirement is necessary, as this information must be provided in the client care letter.

Question 10

Do you agree with our proposal that firms should publish details of how to complain to the Legal Ombudsman?

67. In addition to our proposal to require firms to publish their complaints procedure, we also proposed that firms should publish details on how and when a complaint can be escalated to the LeO, including timescales.

Responses

68. The majority of respondents, including the Law Society and City of London Law Society have answered this question either in conjunction with question nine, or referred to their answer to question nine.

69. Most respondents have expressed support for this proposal, with some stating that this is uncontroversial. Age UK, LawNet, Citizens Advice and the Legal Services Consumer Panel have all supported this proposal.

70. Comments from respondents who agreed include:
- By having this information published it helps consumers know the relevant deadlines for escalating a complaint to the LeO. This helps consumers avoid cases of deliberate malpractice and encourages good behaviour in firms.
 - It is important for consumers to know their rights, and it makes sense for providers to tell them this as the client will be spending their money on their services. The consumers have a right to know what they should do if they are not happy with the service they have received.
71. Many who agreed with this proposal stressed the importance of this information including who can (and who cannot) complain to the LeO, to avoid confusion.
72. A few respondents wanted a standard text, developed by the SRA, that all firms should use
73. Among the minority who disagreed with this proposal the most common comments were that this information forms part of the client care letter, so there is no need to require firms to publish it. Others have suggested that this imposes another cost for the firm, without providing any real benefit to either the consumer or the firm.

Creating a digital register

74. We proposed to create a digital register holding information about individuals and firms we regulate. It could be used by members of the public and businesses to validate their choice of SRA regulated firm and will be able to carry out basic checks, for example to find out whether we have taken any disciplinary or regulatory action against the firm or individual. Law firms will also find it useful to be able to easily carry out these basic checks, for example, in relation to potential employees, or validating firms on the other side of a transaction.

Question 11

What are your views on the proposed content for the digital register?

75. There was support from the majority of respondents for the introduction and proposed content of the digital register. Positive respondents include the Legal Services Consumer Panel Age UK, LeO, City of London Law Society, LawNet and individual firms and solicitors. Comments included that the register:

- Would be a good idea, is long overdue and is in line with SRA's function.
- Reduces confusion for consumers when looking for a regulated provider.
- Provides support and assurances for firms when looking to validate firms on the other side of a transaction.
- Does not create additional burdens on regulated firms and individuals as uses existing information.

76. The Law Society suggested our proposal was reasonable on the basis it uses existing data, but consumers are unlikely to use and engage with the register.

77. Concerns were raised by a number of respondents, including those that responded positively, about the register and content categories. Concerns raised by some solicitors, firms and Hexagon Legal Network included:

- The inclusion of disciplinary findings, conditions on practising certificates and wider sanctions may adversely impact on the reputation of a firm. Concern that the disciplinary findings, conditions and sanctions would be shown for previous employees also. Similarly, some respondents were concerned about referrals to the SDT being included before they are heard and upheld.
- The public will not understand that choosing not to renew a practising certificate, in circumstances where one is not required, and the person is not employed as a solicitor, is not an indication that the solicitor is not fit to practise. Respondents suggest that a clear explanation needs to be attached to the register setting out the circumstances where a practising certificate is not required to avoid any misunderstandings.
- The register will be expensive to develop, and the profession will bear these costs. Also, the SRA does not have the capability to deliver.
- Whether the SRA would have legal responsibility for inaccurate data.

78. The Junior Lawyers Division suggested that without appropriate context the content of the register could distort consumer behaviour towards choosing more experienced solicitors rather than junior solicitors.

Publishing areas of practice and complaints data

79. We proposed to publish data on the areas of practice in which a law firm practises. We proposed to do this annually and separately from the main register.
80. We also proposed to publish first-tier complaints received, complaints resolved, and complaints referred to LeO by firms. We currently collect this data annually from firms but do not publish. The data therefore comprises complaints about service submitted directly to firms and does not include regulatory complaints submitted to the SRA. We proposed to publish this firm collated data separately from the main register.
81. We also proposed to make this information available for organisations that reuse data, for example, comparison websites. Our view was that people would find this data useful when choosing a legal service provider.

Question 12

Do you agree with our proposal to publish annual information about areas of work and to do so separately from the digital register?

82. We proposed to publish information about the areas in which a firm practises, based on what they report to us with their annual turnover data. Our proposal was to publish this information separate from the proposed digital register.

Responses

83. Views were broadly split on this proposal.
84. The Legal Services Consumer Panel agreed with our proposal to publish annual information about areas of work. However, they suggested it would be a missed opportunity if this information was published outside the digital register.
85. There was also support from a few local law societies, and many individual solicitors and firms. A number of those that supported our proposal did so on the condition that the publication of areas of practice should be included in the

main register as publishing separately could dilute the intended consumer benefit.

86. Some respondents including some firms and solicitors agreed in principle but felt the information would not benefit consumers because:

- consumers may not equate their legal need with areas of work published by firms
- the data is historic as it will only be updated on an annual basis. Out of date information was not considered beneficial to consumers.

87. Birmingham Law Society called for publication of this data to remain separate from the main register given the nature of the data. A number of respondents suggested the data could be made more relevant by displaying number of cases per area of law.

88. The Law Society disagreed with our proposal as they consider our proposals will not have any consumer benefit (no reason provided).

89. Respondents – including the Junior Lawyers Division and LawNet did not agree with our proposals because the:

- Data will be historic and of no use to consumers.
- Work that firms undertake cannot always be shoe horned into neat categories. Our proposal may unintentionally disadvantage niche firms or those undertaking complex work.
- Firms already tend to state clearly on their websites the areas of work in which they are active.
- Proposal duplicates Find a Solicitor and may cause consumer confusion if there is no alignment between the two.

Question 13

Do you agree with our proposed approach to publishing complaints data, and if you do not agree, what do you propose?

90. Similar to areas of practice, we proposed to publish the first-tier complaints data that we collect annually from firms. This data would also be published separately from the proposed digital register.

Responses

91. There was limited support for our proposal to publish complaints data.
92. The Legal Services Consumer Panel supported our proposal on the basis that none of the other of the legal services regulators publish complaints data and the sector is far behind other regulated sectors. The LeO were also supportive if we did more to manage inconsistencies in how firms deal with and record complaints.
93. Many firms who answered this question, the Cardiff and District Law Society, Doncaster and District Law Society and Birmingham Law Society supported the proposal so long as the data was published with appropriate context. However, most respondents did not provide examples of context and how complaints data should be presented.
94. Some respondents – including the City of London Law Society – suggested we should only focus on the publication of upheld complaints only.
95. There was broad support from a handful of respondents for a one complaint per client mechanism to manage vexatious complainants.
96. The majority of respondents, including firms, solicitors and profession representative groups, did not support the publication of complaints data. Respondents felt that it would not be possible to contextualise complaint data in a way that was meaningful for consumers and did not unintentionally damage

the reputation of a firm, for example, those practising in emotive areas or undertaking high volume work.

97. The Law Society, suggested that consumers have a low level of understanding of complaints data in other sectors, including the financial sector, and therefore would be unable to correctly interpret complaints data.
98. Other objections raised by respondents who did not support our proposals included:
- Complaints data is not an accurate proxy/measure for the quality or service of a firm.
 - Publishing complaints data will disadvantage regulated firms rather than unregulated providers who are not required to publish complaints data.
 - Information used or provided to consumers through digital comparison tools can be inaccurate, for example, the CMA recently opened an investigation into hotel booking sites.
 - Consumer behaviour will be distorted as they try to seek reduction in cost by threatening to complain in the knowledge it may affect reputation.
 - Some areas of law are prone to more complaints and despite contextualisation this will present an uneven playing field.
 - Increased and unnecessary burden on firms to provide data.
 - It will create a perverse incentive for firms to suppress complaints or deal with complaints outside of the complaints procedure to keep figures low. This is counterproductive to consumers and encourages poor behaviour in firms.
 - Costly for the SRA to verify/audit data.

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- Consumers are unlikely to engage with data – preference is for trip advisor style.

99. The City of London Law Society and one academic suggested that rather than improving the position for clients by putting data into the market, it might have the reverse effect of causing issues to be suppressed from the management of law firms.

If you do not agree, what do you propose?

100. The key theme from respondents, for example, some firms and local law societies, was that we need to provide appropriate context to support the publication of complaints data. However, many respondents did not suggest alternatives.

101. Some suggestions for improving our proposal included:

- only publishing upheld complaints
- to provide an opportunity for firms to respond to the complaint
- only include those complaints escalated to LeO.

Question 14

If we do publish first-tier complaints data, what (if any) context should we provide?

102. The LeO suggested the following criteria could provide context:

- size of firm (turnover)
- number of transactions per year
- number of first tier complaints per year

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- complaint types (to inform consumer choice in types of issues raised, e.g. if excessive complaints about costs, consumers may look elsewhere)
- link to LeO data on ombudsman decisions.

103. Suggestions included:

- The inclusion of a general disclaimer that complaints can differ in nature, seriousness and depending where a firm is located.
- Complaints as a percentage of a firm's overall case load rather than by specific area of law.
- Whether or not the client was satisfied with the resolution of the complaint.
- The introduction of a grading system to classify a firm's complaints record rather than hard data.

104. Comparison website respondents called for granular data to include the individual against which the complaint was made.

Individual solicitors working outside of Legal Services Act regulated firms

105. We proposed that clients of solicitors in non-Legal services act (LSA) regulated firms should be informed at the point of engagement that those solicitors are not subject to the requirements for mandatory PII that would apply in an SRA regulated firm. We said that this would create an incentive for the non-LSA regulated firm to explain their insurance position to clients. The draft rule referred to the information being given 'prior to engagement' and did not specify the method of communication.

106. We also proposed that clients of solicitors in non-LSA regulated firms should be informed at the point of engagement that the potential protections of the Compensation Fund do not apply. The draft rule referred to this information being given "prior to engagement" and specified that the information had only to be given to clients that would have been eligible to apply to the fund had the firm been SRA regulated. The intention was that this information would not be given to large corporate clients who would not have been able to claim on the fund anyway.

Question 15

Do you agree with our proposal to require solicitors working in non-LSA regulated firms to inform clients of the absence of the requirement to hold compulsory PII?

107. Solicitors working in non-LSA regulated firms will not be required by our rules to have PII. They will of course still be able to hold this type of insurance; however, it will not be compulsory. We asked respondents views on whether or not we should require these solicitors to inform their clients of this.

Responses

108. The majority of respondents, including the LSCP and Age UK, individual solicitors, firms and the Black Solicitors Network, agreed with our proposal, with many stressing that it was essential that clients of solicitors working in non-regulated firms understood the differences in consumer protections.

109. However, a significant number of respondents including some solicitors and firms, felt that the detail of the proposals should go further, and there were concerns that clients would not understand the difference in PII requirements. Feedback included that:

- The requirement should be to explain the actual PII position of the firm to clients.
- The point of engagement was too late to inform the clients of the position. (LSCP and others)
- The information should be given on first contact and should be prominently displayed on the firm's website and in promotional and printed material.
- The information should be included in the client care letter.
- There should be a 'cooling off' period to allow clients to withdraw once they had received this information.
- The information should include an explanation of what PII is and what options are available. (Age UK)

110. Some respondents including the Law Society, stated that it would be difficult to enforce the requirement in a non-LSA regulated firm. A number, including the Law Society and local law societies, used the response to repeat their opposition to our decision to remove restrictions on solicitors practising in non-LSA regulated firms.

Question 16

Do you agree with our proposal to require solicitors working in non-LSA regulated firms to inform clients of the absence of the availability of the Compensation Fund?

111. Clients of solicitors working in non-LSA regulated entities will not be eligible to submit a claim to the Compensation Fund. We asked respondents views on whether these solicitors should be required to inform their clients of this.

Responses

112. Almost all respondents that answered this question agreed with the proposal. Many referred to their answer to question 15 and/or repeated the points summarised above which it was said applied equally to Compensation Fund information. These points included the need to explain the context to client's pre-engagement so that the client can take this information into account when making their choice; and the view that this information should be prominently displayed on websites.

113. In addition, it was pointed out that it might be difficult for a solicitor to decide whether the client may be eligible to claim on the Compensation Fund given the need to be aware of turnover for corporate clients and that therefore the requirement should be to inform all clients of the position. One respondent (Age UK) said non-LSA regulated firms should make it clear which legal remedies and compensation options are available for their clients if their case is not handled properly or if their solicitor's conduct is not satisfactory.

114. As with PII, some respondents questioned how enforceable the requirement would be and stated that we were incorrect to remove restrictions on solicitors' practising in non -LSA regulated firms.

The draft rules and enforcement

115. We consulted on the wording of the draft SRA Roll, Registers and Publication Regulations which mainly are intended to comply with our statutory obligations in relation to the Roll and the Register, but which would also give effect to the policy proposals relating to the information that firms would be required to publish. We also asked for comments and views on our initial impact assessment.

Question 17

Do you have any comments on the drafting of our rules?

116. Most respondents did not have comments on the detailed drafting of the rules but made more general comments. Some solicitors and firms stated that the draft rules were appropriate and welcomed short rules. Others, including some firms, solicitors and law societies disagreed with the rules in general terms on the basis that they did not agree with the policy proposals in the consultation and they felt that the rules were therefore over burdensome and unnecessary.

117. A number of respondents cross-referred to their answers to questions 16 and 17 and stated that rule 6.4 should be amended to reflect their proposals in relation to the way that solicitors in non-LSA regulated firms should have to give information to clients or potential clients about PII and the Compensation Fund.

118. The Law Society and a small number of local society respondents made a point about the lack of detail in the rules requiring publication of price and service standards for firms, with the more detailed definitions and standards being contained in the draft price guidance in annex 2 to the consultation paper. They were concerned that this does not provide clarity to firms, and stated that obligations should not be included in guidance but in the rules. The Law Society suggested that the following should be removed from the price and service standards publication guidance and placed in the rules:

- principles of price publication;

- the legal services to which the new obligation applies and respective definitions;
- any specific detail that is required to be provided; and
- any exemptions.

119. The Law Society also stated that there were two points missing from the draft rules and guidance (a) an exemption for price publication requirements to be applied to work funded by the legal aid agency and (b) any reference to firms being required to publish details of how to make a complaint to the LeO.

120. One respondent stated that the SRA should use insights from behavioural science to strengthen the rules, and that understanding how people's behaviour is influenced by inherent biases means it is possible to design interventions that go with the grain of behaviour, not against it. In keeping with this, it was said that firms should be compelled to act within the spirit of the rules as well as the letter of the law in mind. In this respect it was said that the SRA can learn from interventions in other markets, such as the Financial Conduct Authority's recent price regulations in insurance.

Question 18

What more does the SRA need to do to work with others such as third-party intermediaries to deliver improvements in the information available to consumers?

121. A recurring theme from solicitor and local law society respondents was that the best way to deliver improvements in information to consumers was to communicate and engage more with the solicitor's profession and their representative bodies. This is because they deal with clients daily and are therefore in the best position to know what is required.

122. There were concerns from solicitor respondents that price comparison websites are misleading, and a suggestion that they should be regulated. A number stated that they will not engage with comparison websites.

123. The Law Society said that there are inherent features of the legal market that mean that the potential for the growth of intermediaries is limited. Price comparison websites could make clients over focus on price instead of their legal needs and digital comparison tools would not reflect the client's individual circumstances. They noted that the CMA's recent report on digital comparison tools also identified concerns relevant to the legal services market and in particular that there were risks of consumers focusing on price rather than quality.

124. Other suggestions made in response to this question included:

- That the SRA should work with consumer advocacy groups to test out information displays with consumers. This was suggested by both Citizens Advice and Age UK.
- Specific action needs to be taken to ensure that the information is provided in a clear and accessible way to those who are disadvantaged in communication, for example due to language or disability. It would be particularly helpful for disadvantaged groups if the information available included whether the services could be accessed by alternate means such as email or virtual appointment, home visits or telephone advice or if there were other facilities available to assist such as translation services, advice in another language or adaptive technology.
- Providing access to information on firms in one place on the SRA website so that this can be easily disseminated. This would include noting and explaining the information clearly on the consumer section of the SRA website.
- Engaging with third party intermediaries to ensure that the information the SRA provides is in a form suitable for them. It is important that the SRA ensures that the information that it has available for comparison sites and review sites and consumers is

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up-to-date, accurate and sufficiently-complete, so as not to be misleading.

- An account area for approved third parties who can create a mini-register of companies they work with and receive alerts of changes and the ability for approved third party intermediaries to flag up concerns at an early stage.
- The SRA could ensure that all such third-party intermediaries are aware of the requirements of the SRA Code in relation to mandatory information which must be provided to consumers by regulated firms.
- The SRA should consider promoting the profession and its services to consumers regularly to share information about the profession and to demystify the consumer's views of the profession.

Question 19

Do you have any further information to inform our final impact assessment?

125. Most respondents did not provide any information to this question.

126. The Law Society suggested our impact assessment did not:

- consider the impact of proposals on small firms
- include BAME data from the [Unlocking the Benefits of Diversity](#) report
- indicate our costs and how we will provide clear consistent guidance.

127. Of those that responded, a small number called for further information to be made available to consumers to help them understand the differences between regulated and unregulated providers and to support them our proposals.

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Similarly, a small number of respondents called for regulated law firms and solicitors to be given the tools and support needed to compete with non LSA regulated firms and online providers.

128. A small number of firms, individual solicitors and local law societies called for us to clarify the potential costs associated with our proposals.

129. A handful of respondents called for us to include comparisons from other sectors on how information published by other regulators has been used by consumers. They stated that just because other regulators are doing such is not an absolute guarantee that it works or would work for the legal sector.

130. Some respondents questioned whether any analysis had been undertaken to see how often consumers used the Find a Solicitor and law firm search.

Annex one: list of respondents

Name	Respondent Type
Publish the response with my/our name	
Responses from organisations	
Age UK	Representative Group
Association of Personal Injury Lawyers	Representative Group
Association of Women Solicitors	Representative Group
Birmingham Law Society	Law Society
Boys & Maughan Solicitors	Law Firm or Other Legal Services Provider
Cardiff and District Law Society	Law Society
Citizens Advice	Other Organisation
City of London Law Society	Law Society
Devon and Somerset Law Society	Law Society
Doncaster and District	Law Society
F I Law Limited	Law Firm or Other Legal Services Provider
Federation of Small Businesses	Representative Group
Hampshire Law Society	Law Society
Hexagon Legal Network	Other Organisation
HM Land Registry	Other Organisation
Howden UK Group Limited	Other Organisation
Junior Lawyers Division	Representative Group
LawNet Limited	Law Firm or Other Legal Services Provider
LawWorks	Other Organisation
Leeds Law Society	Law Society
Legal Ombudsman	Other Organisation
Legal Services Consumer Panel	Representative Group
LeagalBeagles & Justice Beagle	Other Organisation
Leicestershire Law Society	Law Society
Liverpool Law Society	Law Society
Manchester Law Society	Law Society
Middlesex Law Society	Law Society
Peninsula	Law Firm or Other Legal Services Provider
Peterborough and District Law Society	Law Society
Resolution	Representative Group
Rights of Women	Other Organisation
Riverview Law Limited	Law Firm or Other Legal Services Provider
Slater and Gordon Group	Law Firm or Other Legal Services Provider
Sole Practitioners Group	Representative Group
Solicitors for the Elderly	Representative Group
Stewarts Law LLP	Law Firm or Other Legal Services Provider
The Black Solicitors Network	Representative Group
The Law Society of England and Wales	Law Society
The Yorkshire Union of Law Societies	Law Society
Unnamed Conveyancing Comparison Website	Other Organisation
Responses from individuals	
Boulet, Jan [Placeholder]	Solicitor
Englehart, David [Placeholder]	Solicitor
Forster, Steven	Solicitor
Gee, Teresa	Solicitor
Giles, Melinda	Solicitor
Hodder, Elizabeth	Other Capacity
Howlett, Neil	Solicitor
Mian, Zeeshan	Academic
Moorhead, Richard	Solicitor
Newson, Helen	Other Legal Professional
Vadera. Angeli [Placeholder]	Other Capacity

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Publish my/our name but not the response

Responses from Organisations

East Greenwich Legal Advice Clinic

Forsters LLP

Search Acumen

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Other Organisation

Responses from individuals

Reardon, Daniel

Member of the Public

Publish the response anonymously

Responses from organisations

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Law Firm or Other Legal Services Provider

Other Organisation

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

Responses from Individuals

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Anonymous Respondent

Solicitor

Solicitor

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Do not publish my/our response and do not publish my/our name

Responses from organisations

Confidential

Confidential

Law Firm or Other Legal Services Provider

Law Firm or Other Legal Services Provider

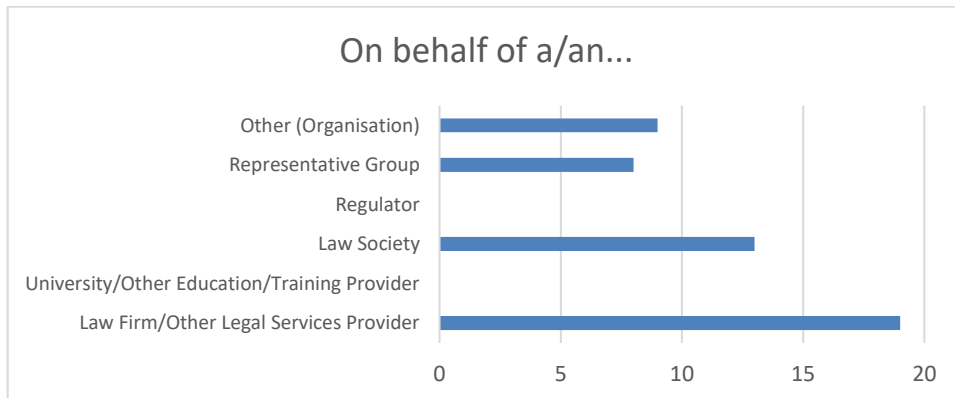
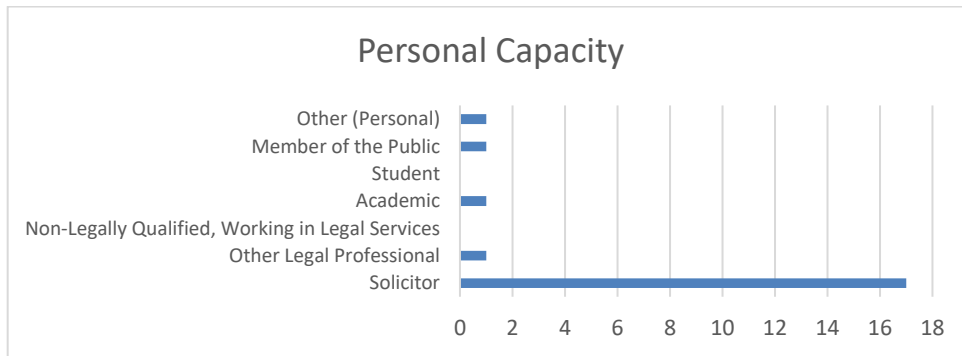
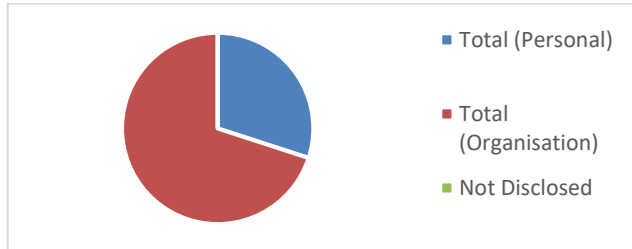
Responses from individuals

Confidential

Solicitor

Annex two: data about respondents and responses received

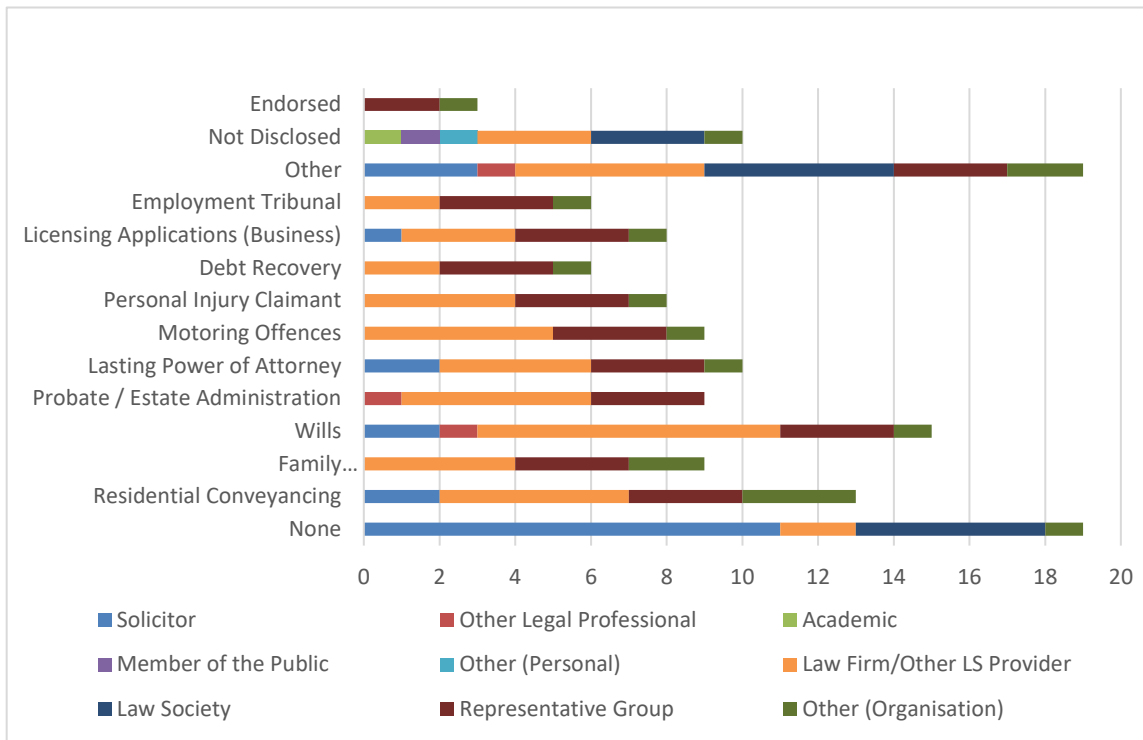
Responses in a personal capacity or on behalf of an organisation



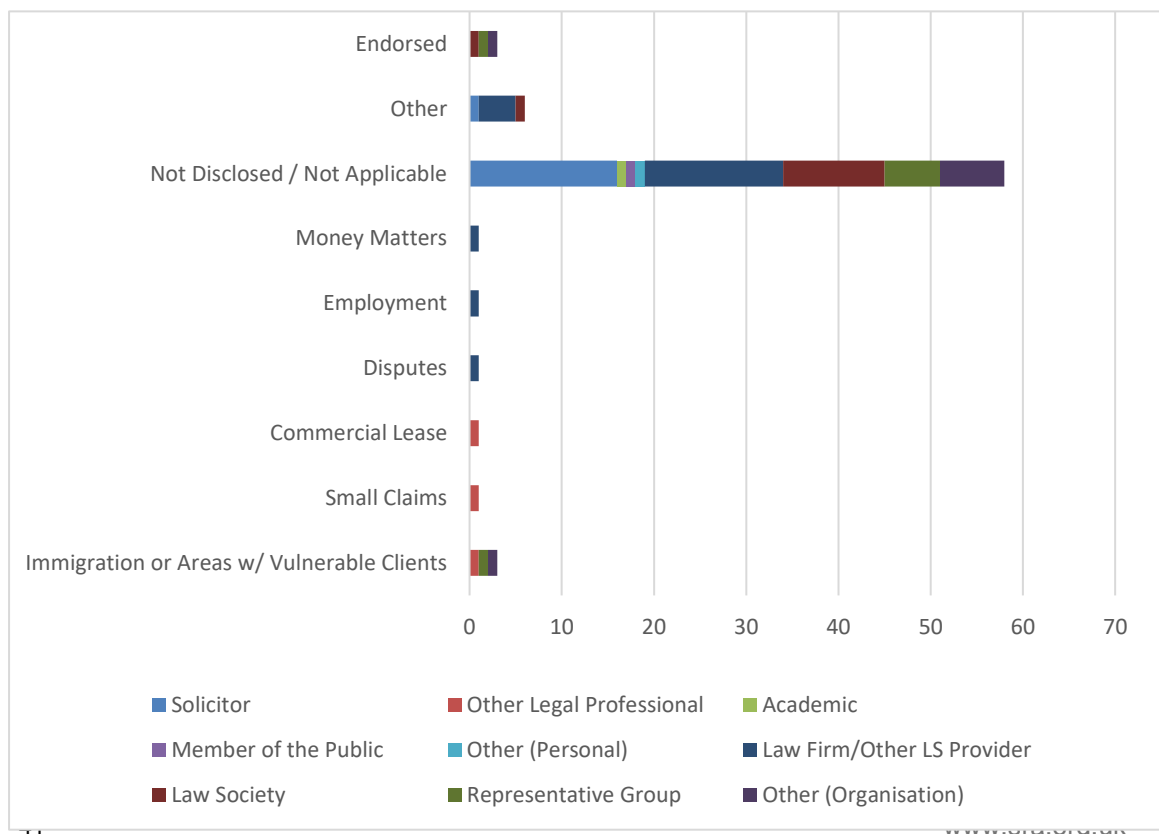
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Responses to our consultation questions

Q1: In which of the services suggested do you think we should proceed initially with requirements for price publication [...]?

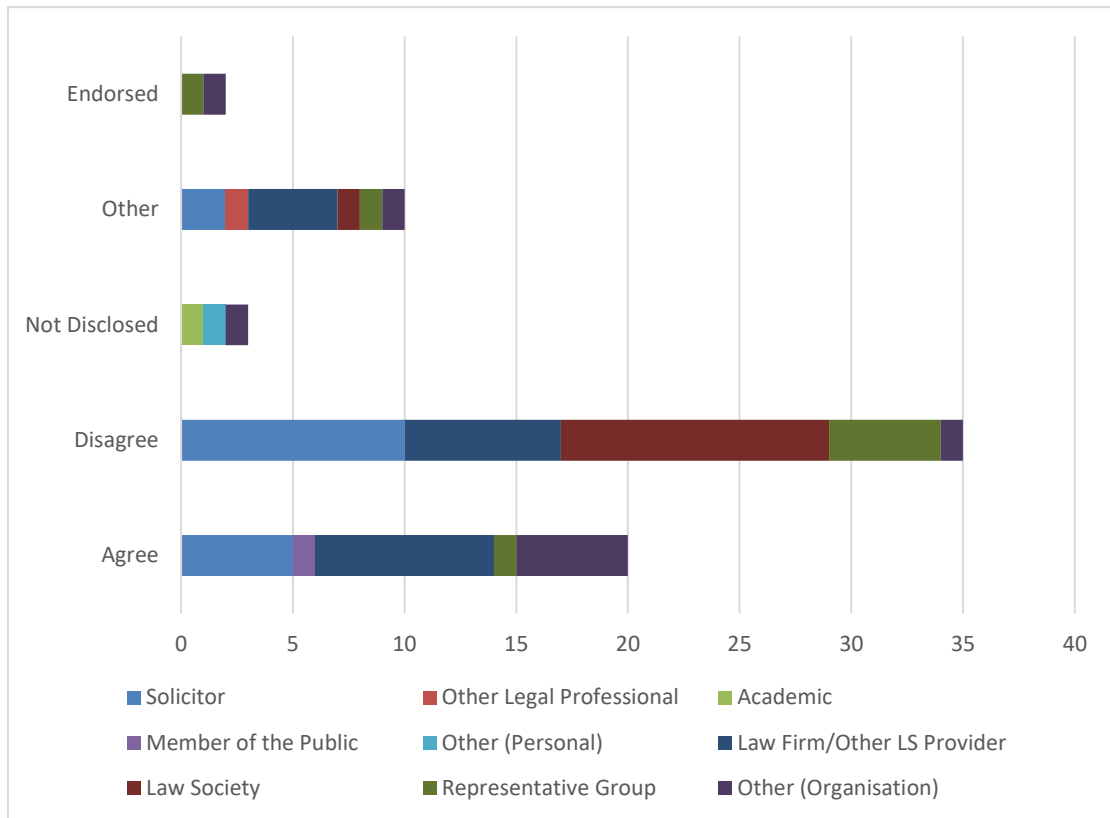


Q1: [...] and are there any other additional categories that we should consider?

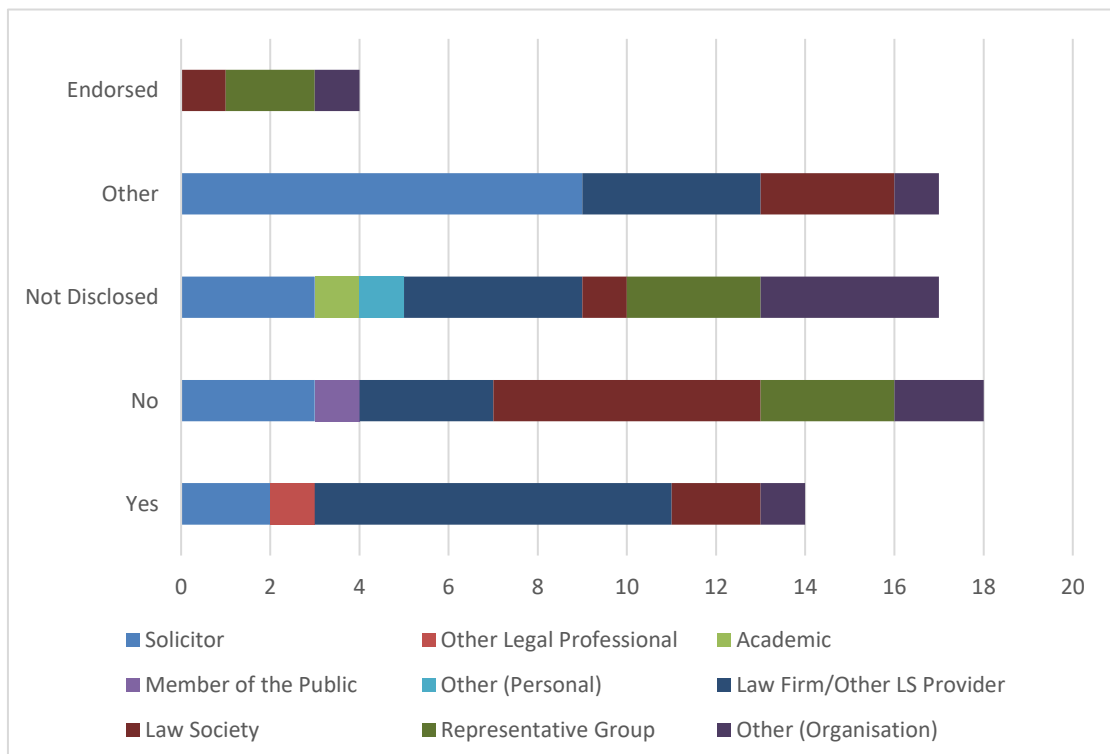


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Q2: Do you agree with our proposed principles of price transparency?

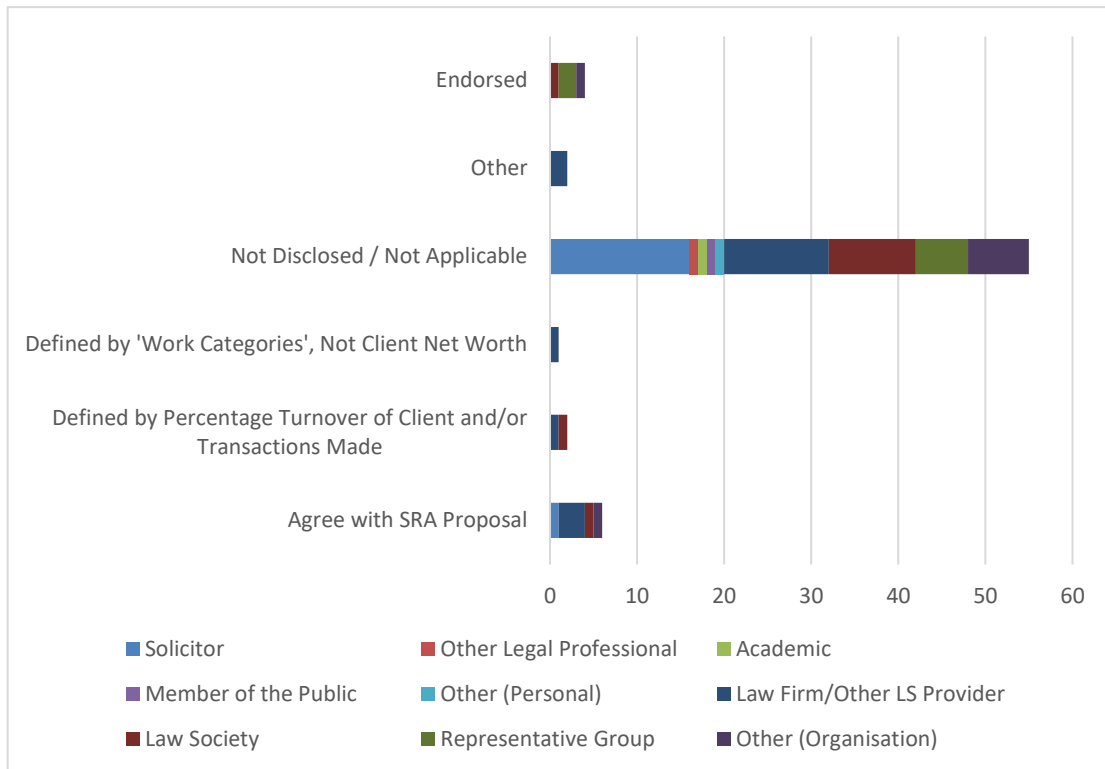


Q3: Is there a need for any specific exemption from the price publication proposals for firms dealing exclusively with large commercial clients? [...]

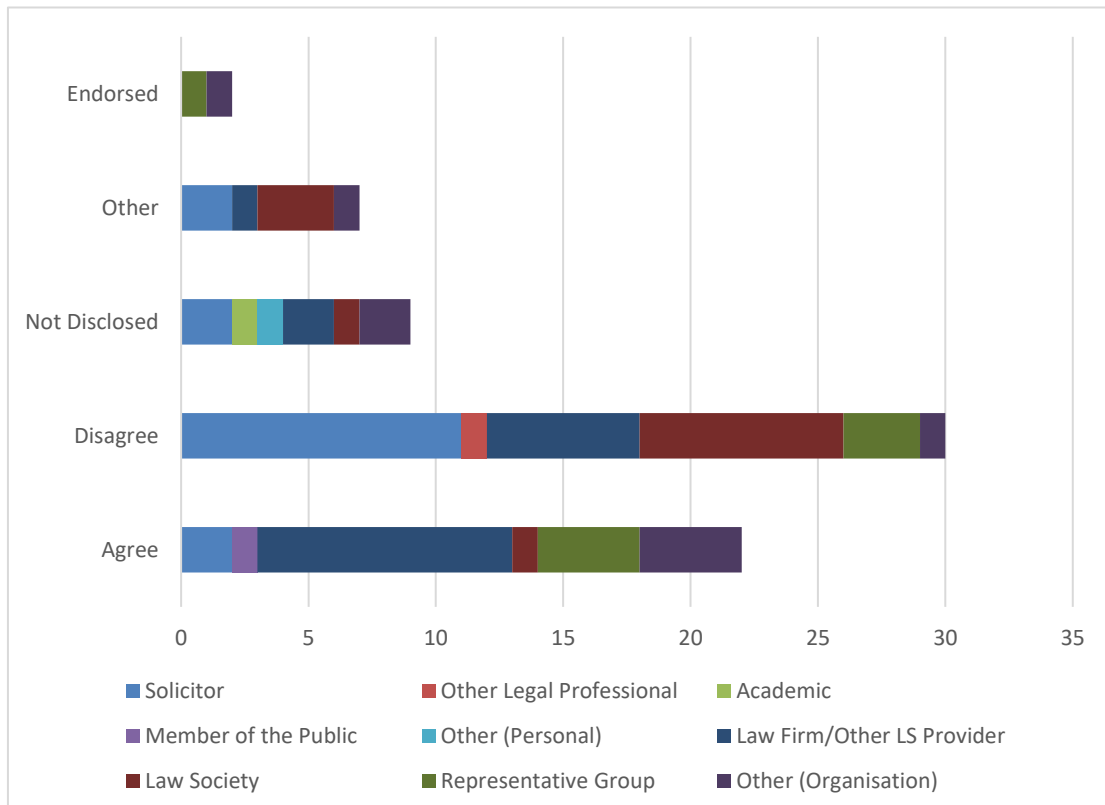


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Q3: [...] if so how should any exemption be defined and operate?

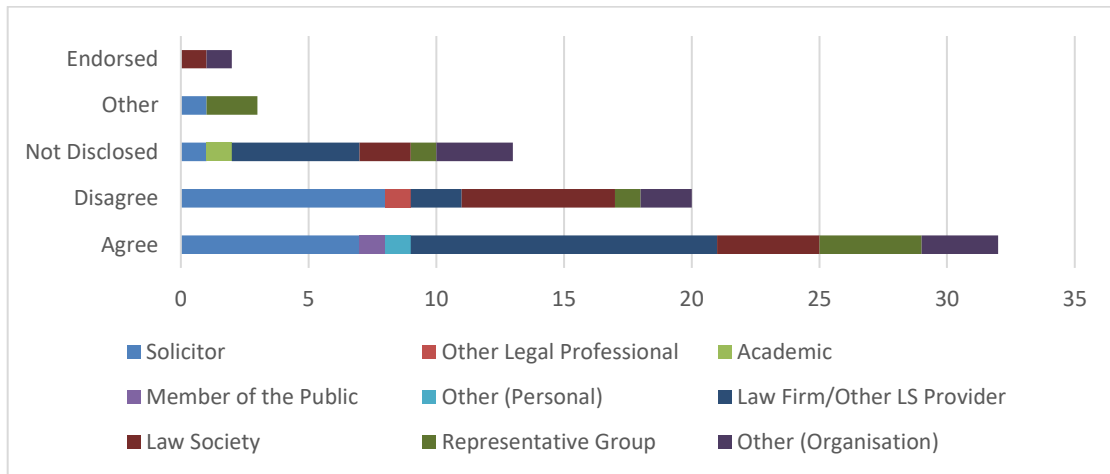


Q4: Do you agree with our proposals to introduce requirements in relation to description, staff, stages and timescales in any legal services where we decide to require price publication?

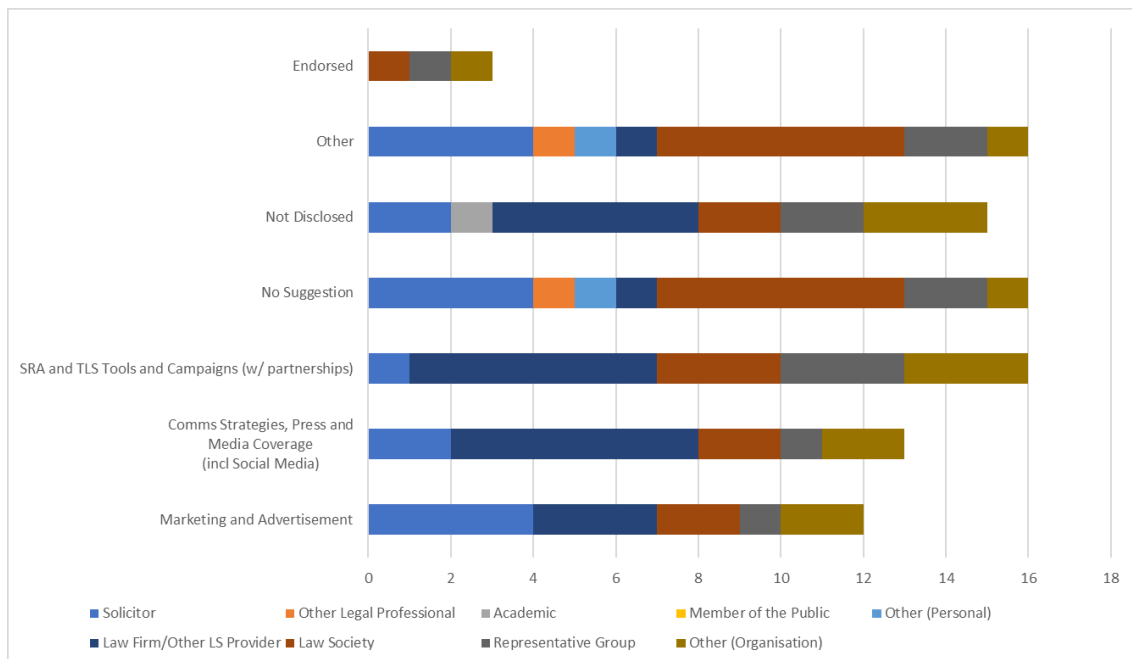


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Q5: Do you agree with our proposal to introduce an “SRA Regulated” logo and digital badge?

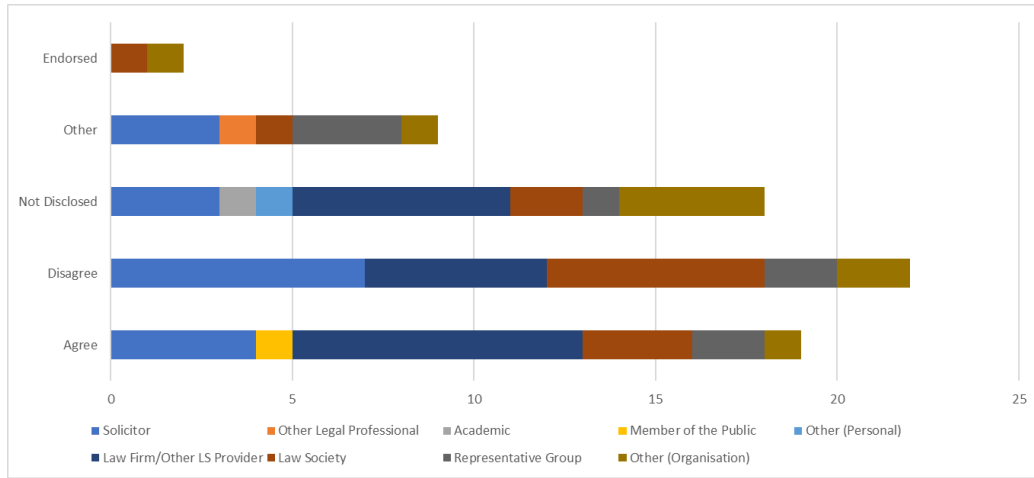


Q6: Do you have any suggestions as to how we can best increase consumer awareness of the logo?

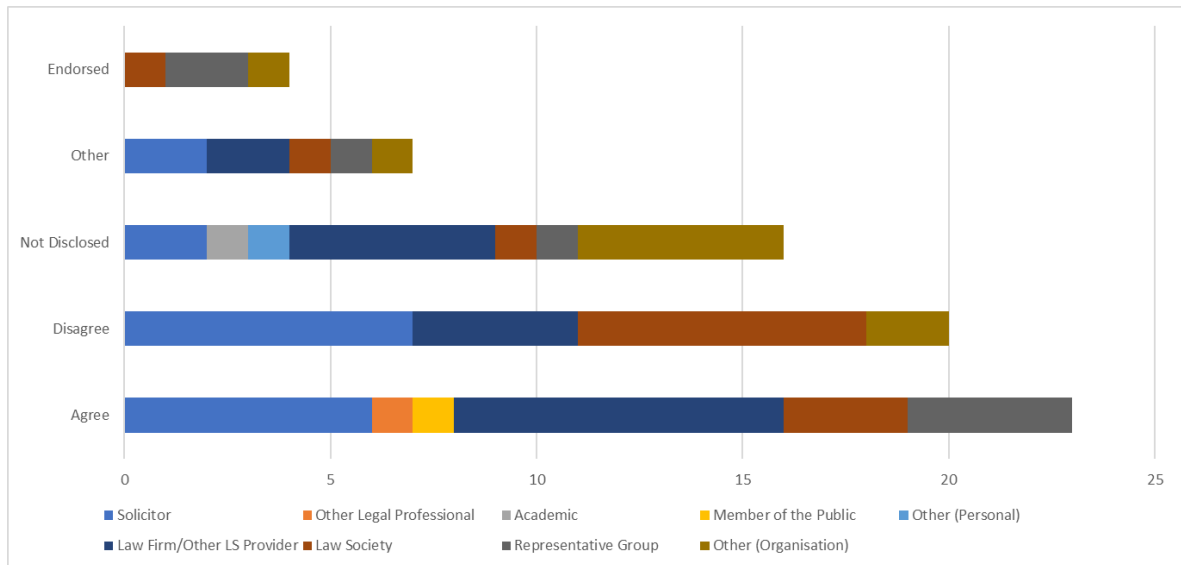


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Q7: Do you agree with our proposal to introduce a requirement to publicise the existence of the Compensation Fund with a voluntary logo?

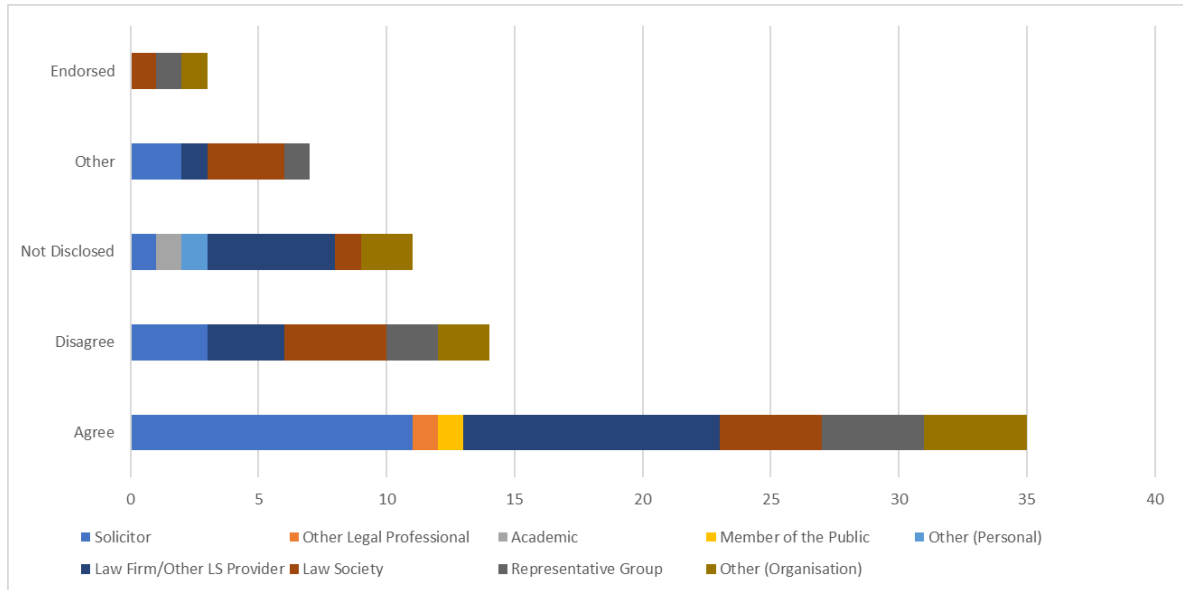


Q8: Do you agree with our proposals on the publication of PII details?

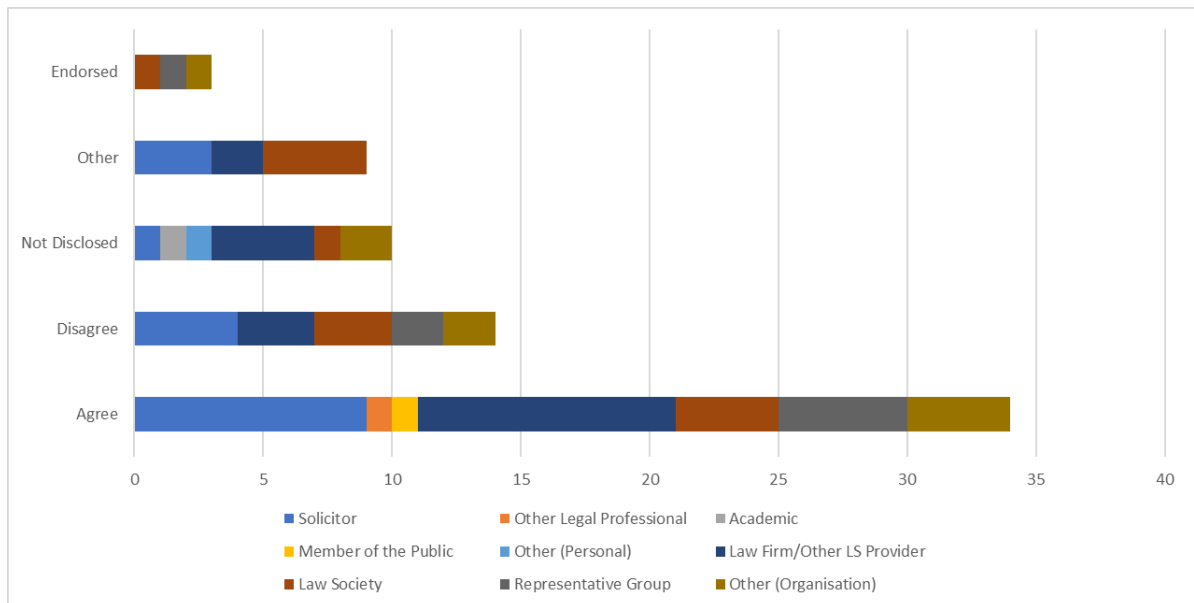


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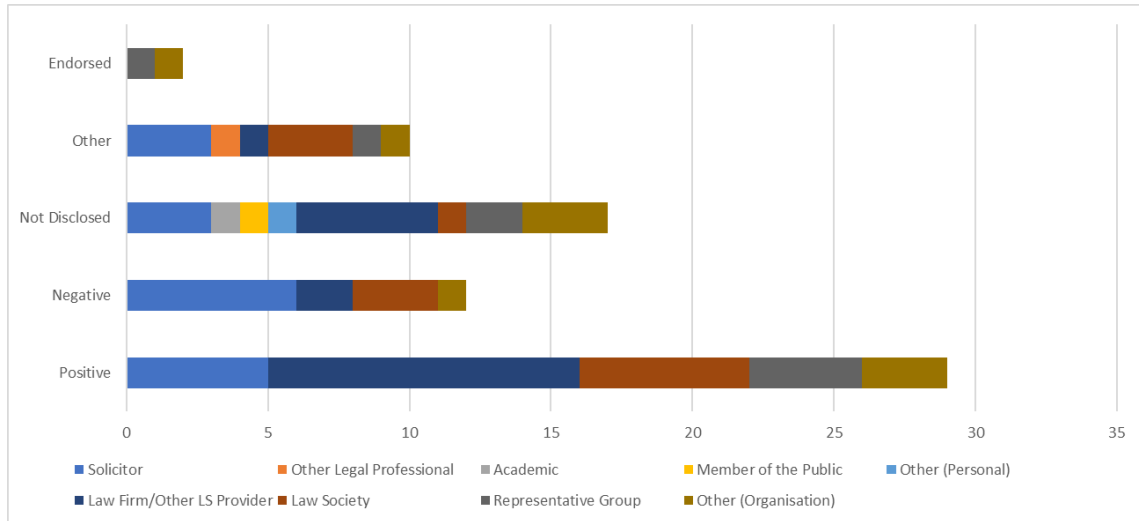
Q9: Do you agree with the proposal for firms to publish details of how to complain?



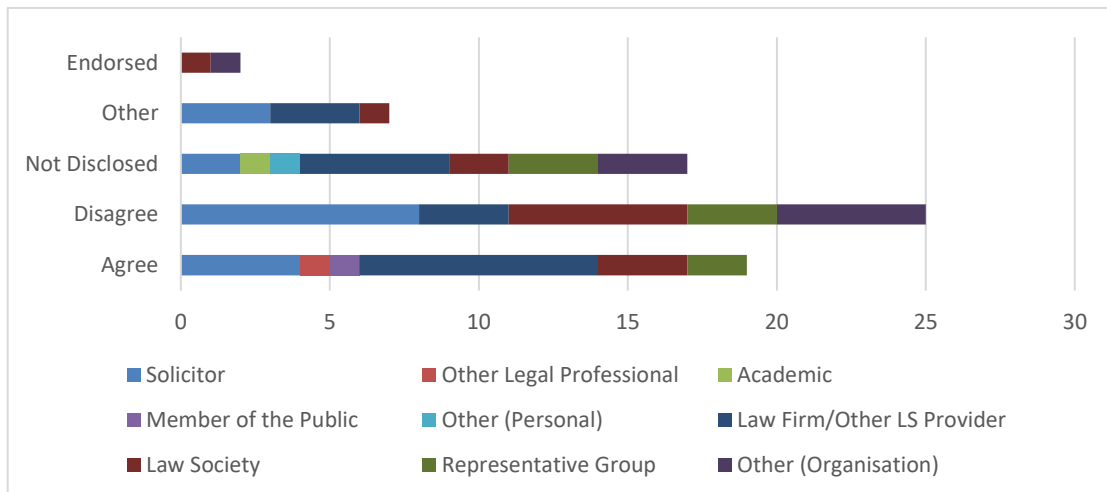
Q10: Do you agree with our proposal that firms should publish details of how to complain to the Legal Ombudsman?



Q11: What are your views on the proposed content of the digital register?

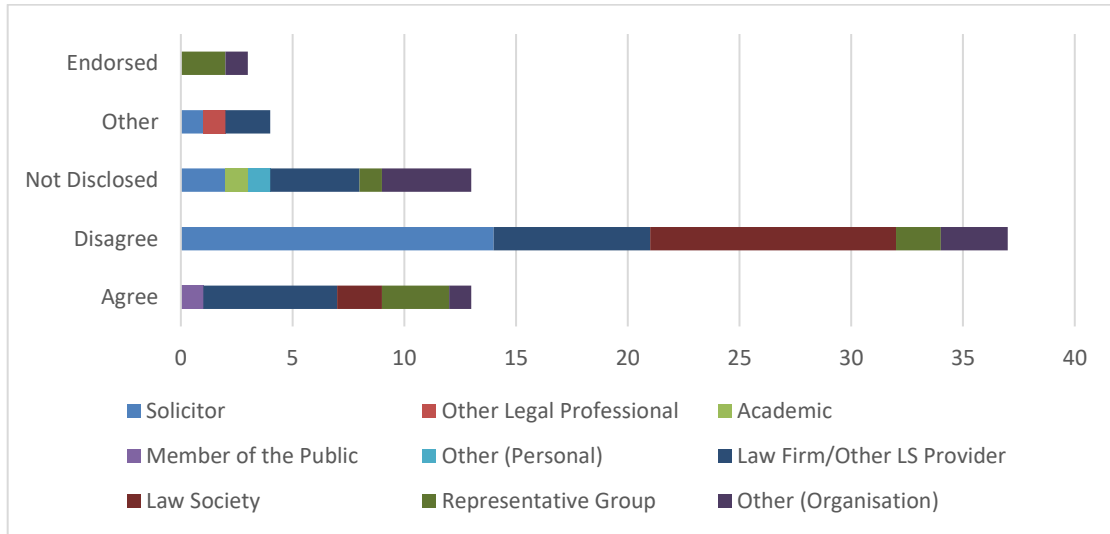


Q12: Do you agree with our proposal to publish annual information about areas of work and to do so separately from the digital register?

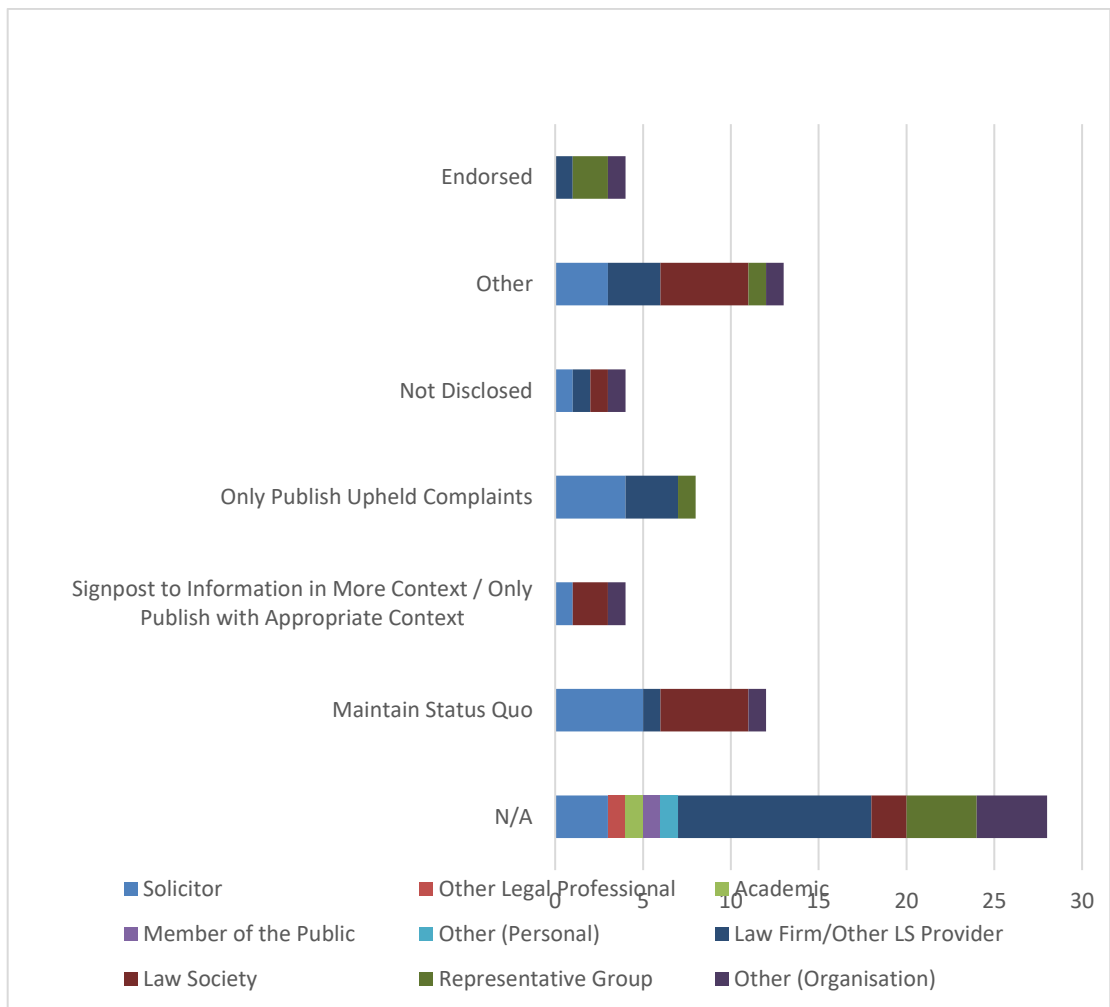


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Q13: Do you agree with our approach to publishing complaints data? [...]

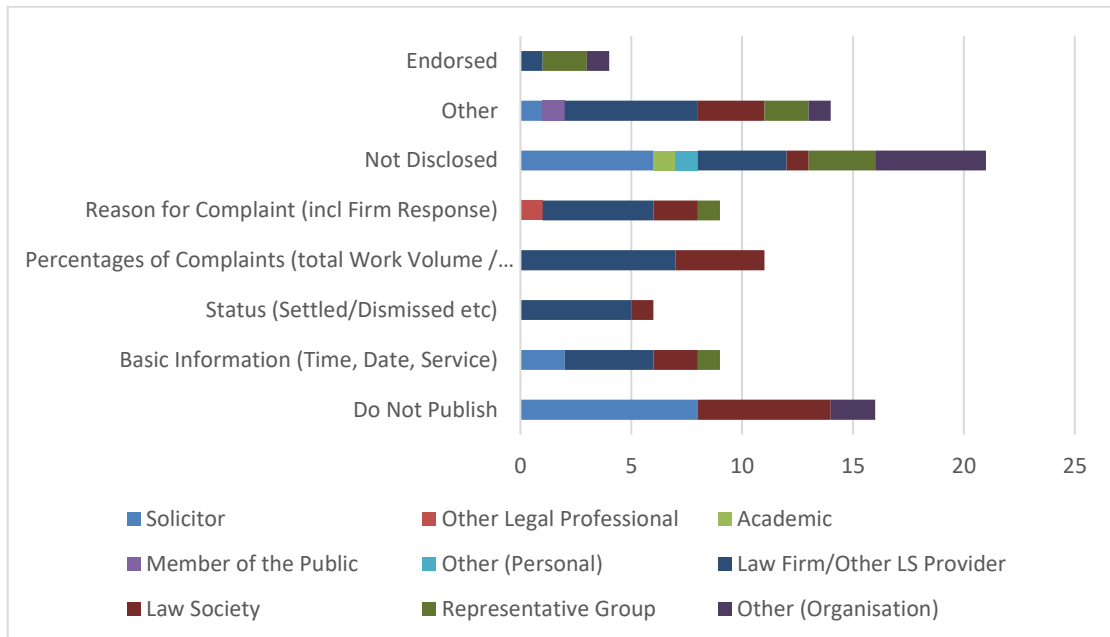


Q13: [...] if you do not agree, what do you propose?

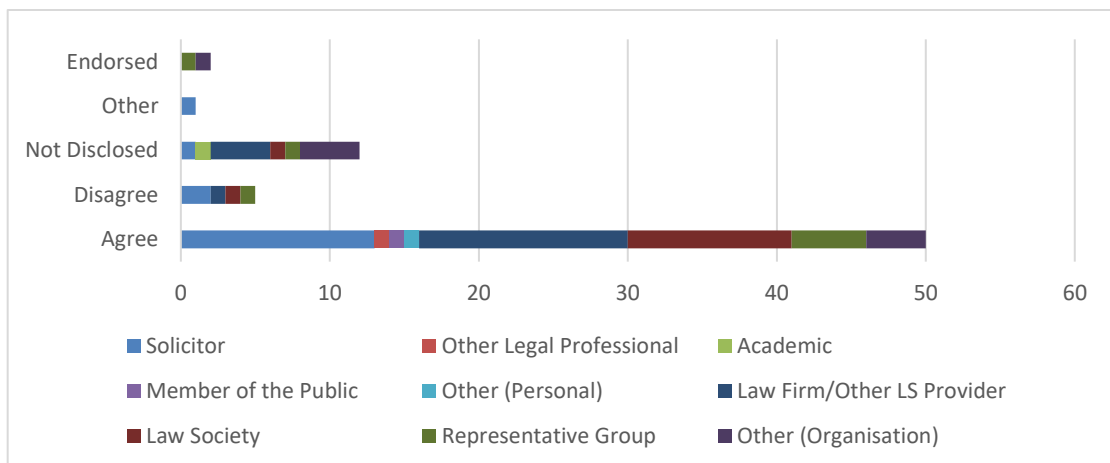


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Q14: If we do publish first-tier complaints data, what (if any) context should we provide?

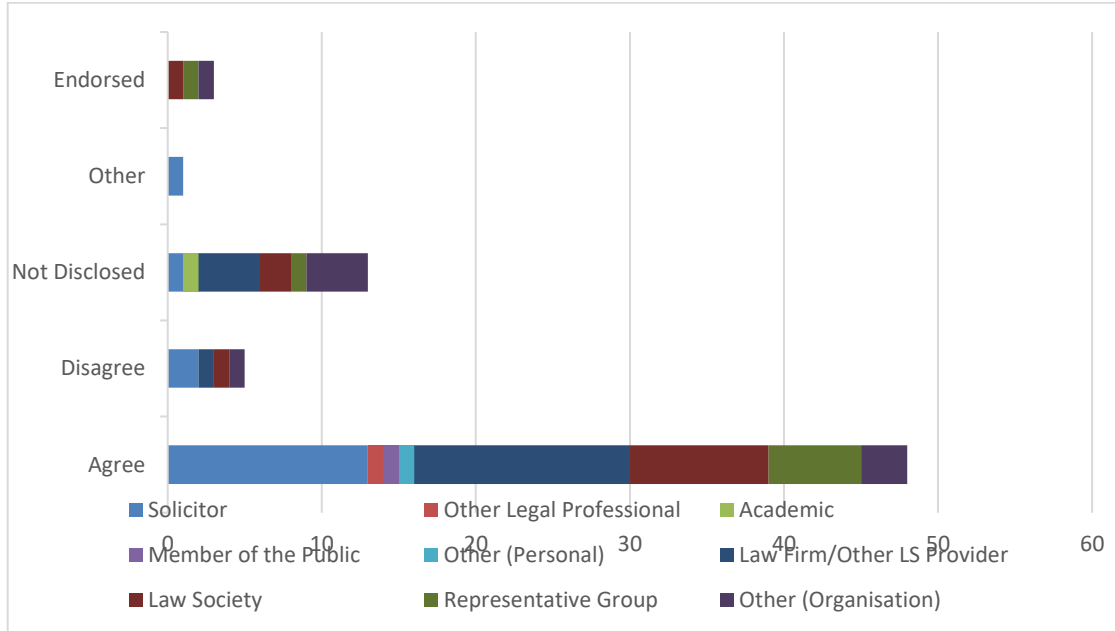


Q15: Do you agree with our proposal to require solicitors working in non-LSA regulated firms to inform clients of the absence of the requirement to hold compulsory PII?

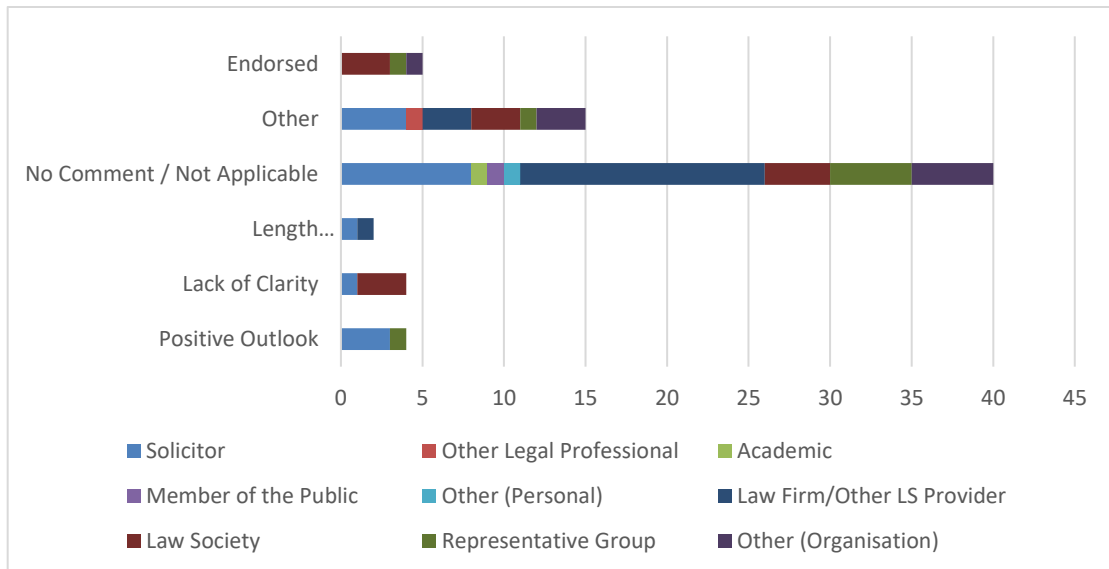


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Q16: Do you agree with our proposal to require solicitors working in non-LSA regulated firms to inform clients of the absence of the availability of the Compensation Fund?

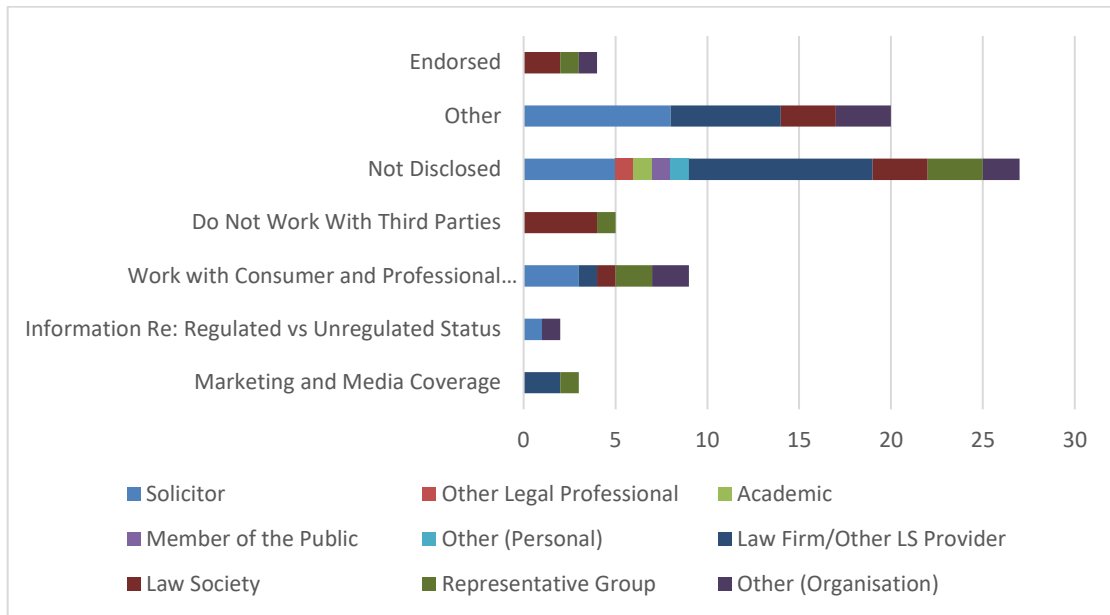


Q17: Do you have any comments on the drafting of our rules?

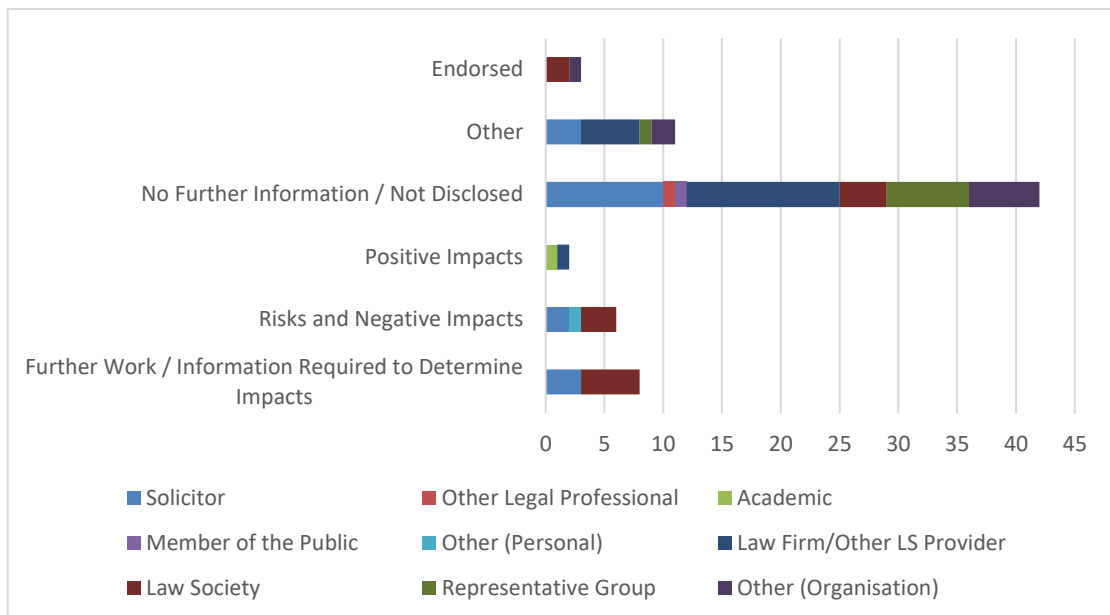


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Q18: What more does the SRA need to do to work with others such as third party intermediaries to deliver improvements in the information available to consumers?

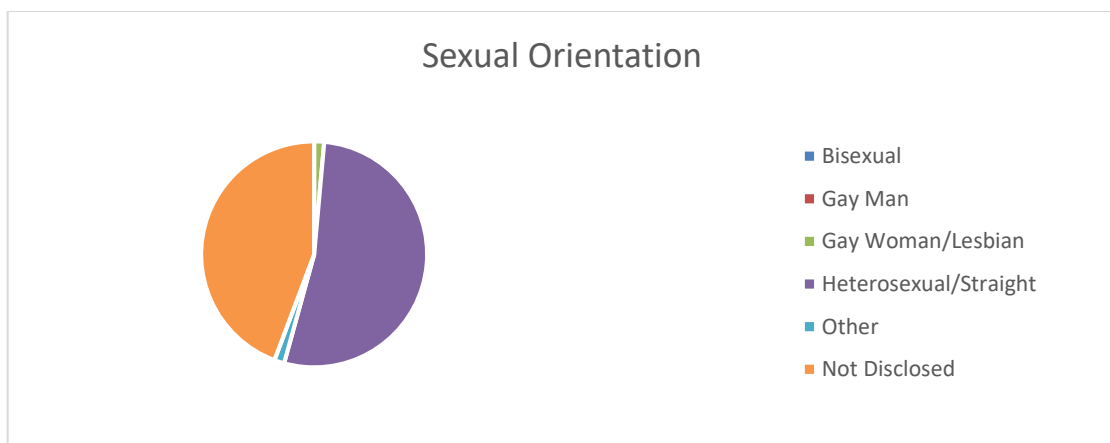
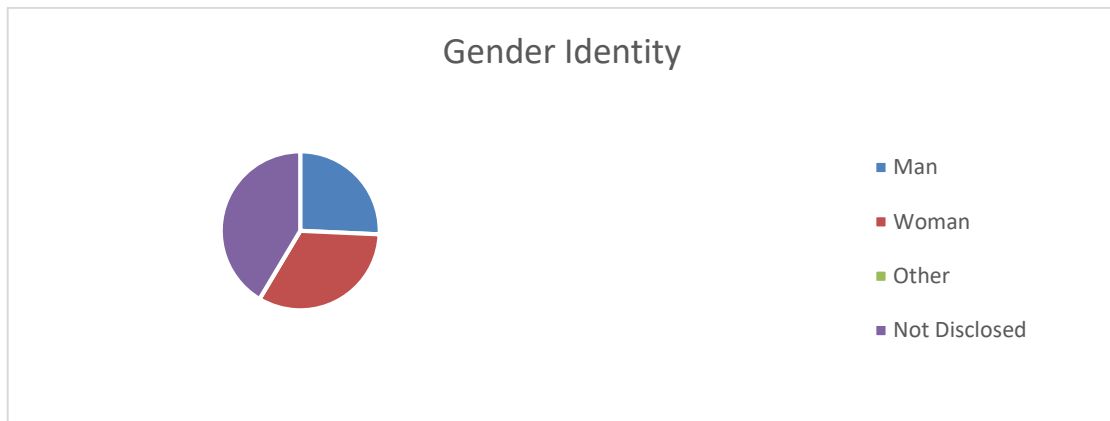
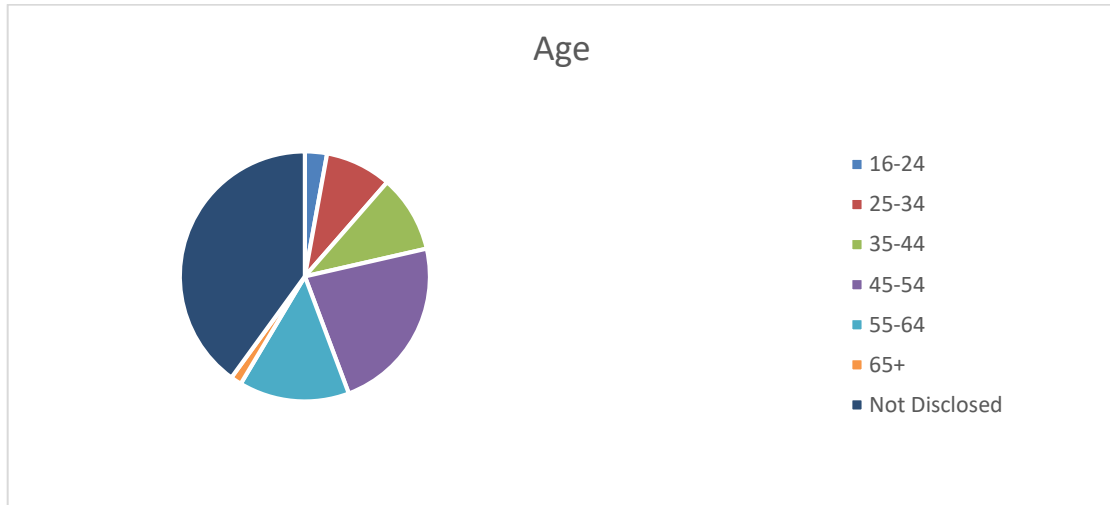


Q19: Do you have any further information to inform our final impact assessment?



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Respondents equality, diversity and inclusion data



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Disability



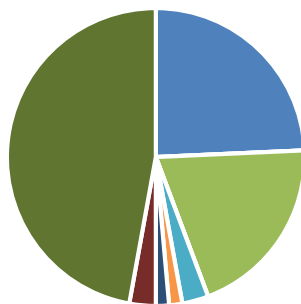
- Yes
- No
- Not Disclosed

Ethnicity



- Asian/Asian British
- Black/Black British
- Mixed/Multiple Ethnic Groups
- White
- Other Ethnic Group
- Not Disclosed

Religious Belief



- No religion or belief/atheist
- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- Other
- Not Disclosed