

**SRA BOARD**

25 April 2023

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*This paper will be published***SRA Corporate Complaints November 2021 - October 2022**

<b>Reason for paper</b>	This paper updates the Board on our corporate complaints for the year 2021/22, including the Independent Reviewer's annual report.
<b>Decisions(s)</b>	<p>The Board is asked to note</p> <ul style="list-style-type: none"> <li>a) the Independent Reviewer's annual report 2021/22 (annex 1)</li> <li>b) the key areas of focus to improve our service. These include further training on customer service and our writing; improving the content and tools on our website so customers better understand what we do and how, and there are a number of actions we are taking in relation to our enforcement work, which we published last month, to tackle delays.</li> </ul>
<b>Previous Board and committee consideration</b>	We provide a report to the Board every year about the corporate complaints we receive, and the Independent Reviewer annual report. Our last report came to the Board in April 2022.
<b>Next steps</b>	We continue to consider carefully the corporate complaints we receive, and to implement the learning we identify to improve our service to our customers.

**If you have any questions about this paper, please contact Rachel Pillinger, Director of Corporate Complaints [rachel.pillinger@sra.org.uk](mailto:rachel.pillinger@sra.org.uk) or 0121 820 2540.**

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**SRA Corporate Complaints November 2021 - October 2022****Background**

- 1 We have a comprehensive three stage procedure for handling complaints made about our service. We are often able to resolve issues that arise quickly and informally when raised with us. Where this is not possible, 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 central Corporate Complaints Team (CCT). This provides a fresh perspective on a complaint because our CCT is not attached to any operational department. Our complaints process is flexible and, in some circumstances, our CCT will proactively step in early and work with operational units to help ensure things get back on track quickly.
- 2 If a complainant remains unhappy, they can ask for an independent review at Stage 3. The Centre for Effective Dispute Resolution (CEDR) was appointed as our Independent Reviewer (IR) in 2018. The IR also undertakes an annual audit of our complaints handling function.
- 3 We would like to thank the Independent Reviewer (IR) for its fourth annual report. It provides valuable feedback to us throughout the year which helps us to improve and develop our services. We are very grateful for all the work it does for our customers in reviewing individual concerns, auditing our complaints work, and for its annual reports.
- 4 Our complaints process provides us with both insight into areas where we need to do more, and an invaluable opportunity to address areas of concern with people direct. How we respond individually really matters to us. We know from the feedback we receive that even when we are not able to give somebody what they have asked for, customers value being heard and the opportunity to raise concerns.
- 5 2021/2022 continued to be busy operationally for us. Our contact centre dealt with nearly 200,000 emails and calls. We received just over 10,000 concerns about solicitors and dealt with nearly 1,500 claims to our Compensation Fund. Against this backdrop, we dealt with 808 complaints about our service.

**Discussion****Number of corporate complaints November 2021-October 2022**

- 6 We responded to 808 complaints in this period at Stages 1 and 2 of our complaints process. This was 17% lower than the year before.
- 7 The reduction relates to fewer complaints being received by our Claims Management Unit and Contact Centre as compared to the last reporting period. In the previous period our Claims Management Unit received more complaints than usual following our closure of a large firm of solicitors with 16 offices. We

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received a number of complaints following this closure from people anxious to obtain documents we had taken into our care. Our Contact Centre also received more complaints in the previous periods which related to solicitors experiencing IT difficulties when renewing their Practising Certificates. These IT problems have been addressed over time which has led to a reduction in complaints.

<b>Year</b>	<b>Stages 1 and 2</b>	<b>Stage 3</b>
Nov 2017 - Oct 2018	827	26
Nov 2018 - Oct 2019	815	57
Nov 2019-Oct 2020	927	105
Nov 2020-Oct 2021	972	74
Nov 2021-Oct 2022	808	77

- 8 The table below shows the majority of the complaints we receive relate to our Investigations Unit followed by our Claims Management Unit and Contact Centre.

<b>Year</b>	<b>Investigations &amp; Supervision</b>	<b>Claims Management</b>	<b>Contact Centre</b>
Nov 2019 - Oct 2020	672	69	139
Nov 2020 - Oct 2021	545	172	175
Nov 2021 – Oct 2022	567	115	68

- 9 During 2021/22, 89% of Stage 1 complaints were dealt with within our published service levels and 95% of complaints were responded to within our published service levels at Stage 2.

**Learning from complaints and improving our services**

- 10 The majority of the corporate complaints we receive each year continue to be about how we handle complaints about solicitors. These represented 70% of the complaints we received for this period. Overall, 6% of those who brought complaints to us about a solicitor went on to complain about our handling of their concern. The majority of the complaints we received (57%) related to our decisions not to investigate matters following our initial assessment of an individual's concern about a solicitor.
- 11 The top three complaints themes we and the IR have identified remain the same as the last period - concerns about the outcome of cases, concerns about delay, and concerns about our communication.

<b>Year</b>	<b>Outcome</b>	<b>Delay</b>	<b>Our communication</b>
Nov 2019 - Oct 2020	650	96	151
Nov 2020 - Oct 2021	392	102	144
Nov 2021 – Oct 2022	477	182	157

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**CLASSIFICATION – PUBLIC****Concerns about the outcome of our regulatory investigations**

- 12 Dissatisfaction with the outcome of a complaint made to us about a solicitor, and in particular our decision to close a case because the concern has not met our criteria for investigation, continues to be the top reason why our customers complain. Some of this dissatisfaction, as the IR notes in its report, arises because complainants typically perceive their concerns as being sufficiently serious to warrant regulatory action. And complainants turn to organisations which they perceive as being in a position of authority and, therefore, able to assist them.
- 13 While the IR notes that in some cases dissatisfaction is an inevitable consequence of complainants' strength of feeling and that nothing more may be done to allay concerns, it also recommends we further improve signposting to the appropriate body, at the first instance, on our website for example.
- 14 We have over recent months been developing and user testing new content for our website to help our customers better understand how we deal with complaints about solicitors, and whether we are the right place to raise concerns. This includes clearer information about the concerns we can typically look at, how we deal with reports, what the outcomes could be, how long it takes us to look into cases, and information about other organisations that may be able to help. We have also developed a suite of case studies based on the top issues complainants bring to us.
- 15 We hope to publish our new content, subject to further scheduled user testing in the next few months. The information on our website will necessarily remain nuanced, however. Whether we decide to investigate a complaint about a solicitor will always depend on the facts and circumstances of the individual case and will include consideration of any regulatory information we may hold. For this reason, no two cases are exactly the same. For example, typically, concerns that a solicitor has provided a poor service are not investigated by us and are matters for the Legal Ombudsman. However, if the poor service reported has had particularly grave consequences for the client and demonstrates fundamental concerns about a solicitor's competence and ability to practise safely, we will investigate. Similarly, while disputes about a solicitor's fees are generally for the Legal Ombudsman, if we identify from the complaint received potential concerns of serious overcharging, and/or a regulatory pattern emerging, we will want to investigate in addition to any involvement of the Legal Ombudsman.
- 16 Our goal is to make sure people have straightforward information about what we do and what we don't do, helping them to decide whether to bring us their concerns and to manage expectations about what will happen. And to be assured that we set and care about high standards in the profession even when we decide not to investigate an individual case.

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### Delays

- 17 The IR highlights that delay (outside of concerns about our decisions) is the most common cause of complaint.
- 18 57% of the complaints of delay we received were justified (104). Around 50% of the complaints of delay which were justified (56) related to our Investigations Unit. While the volume and complexity of some of the cases we deal with mean they will inevitably take time to conclude, we have recognised that we must improve our ability to handle investigations. We have been working hard to reduce the time it takes us to conclude our investigations. 75 complaints of delay in our investigations were justified in 2020, 62 were justified in 2021 and 56 in 2022.
- 19 We know there is more to do, and we are addressing delays in our investigation and enforcement work through our major programme of continuous improvement, which is looking end to end at our processes. This comprehensive programme takes us through the next 18 months and beyond, and we will continue to publish our progress on timeliness, and other areas, through our quarterly performance reports.
- 20 We also received some complaints of delay in relation to individual applications made by regulated individuals to our Authorisation teams, in relation to our processing of applications made to our Compensation Fund and in relation to returning documents to former clients of solicitors when we have needed to close down a firm and take files into our care.
- 21 We have improved our service for those seeking their legal papers with our external provider, Capita, over the last year. We have in place a dedicated telephone line and we have improved the information we provide so former clients are better informed about what to expect.

### Our communication

- 22 The number of complaints about our communication (which includes concerns about our not keeping people updated about our investigations, not replying to correspondence or not explaining matters clearly) has remained static.
- 23 We anticipate that many of the measures we are looking at through our continuous improvement programme will help us to make progress in this area. More broadly we plan to review and refresh our Writing the SRA Way Guidance. In the meantime, we have been working closely with our investigation managers so they are clear about the standards we expect and how essential good communication and customer service is for those who bring us their concerns.

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**CLASSIFICATION – PUBLIC****Treating people fairly**

- 24 Fairness and impartiality is at the heart of everything we do, and it is important we maintain customer confidence in our approach. We take any concerns of bias and discrimination very seriously.
- 25 We received 28 complaints that we were biased in our assessment of matters, and 24 complaints that we had acted in a discriminatory way. 13 complaints related to alleged race discrimination, 10 related to disability discrimination and we received one complaint about gender re-assignment discrimination.
- 26 Neither we nor the IR, through the complaints it considered and its audit of our work, found evidence of any actual bias or discrimination. However, we did find aspects of poor handling that undoubtedly led to perceptions we had acted in an unfair way. For example, in one case we took over three years to decide not to take any regulatory action against a solicitor following our investigation. There were unacceptable periods of avoidable delay which led the solicitor to conclude his treatment was racially motivated.
- 27 In two cases we failed to note that we had agreed reasonable adjustments with individual complainants when the case was passed on from one member of staff to another, causing frustration and inconvenience to the complainants. We have updated our guidance for our colleagues on reasonable adjustments, making clear where checks routinely need to be made on our CRM system for arrangements we may have put in place for individuals.
- 28 Most of the complaints of bias we received were from members of the public who were concerned we acted in a way to protect solicitors. Many complainants explained they were of this view because we had not asked them for further details or evidence about their concerns, or shared with them a solicitor's response to us before we went on to close our investigation. In a handful of cases, complainants had relevant evidence that affected what we had received from the solicitor and that we needed to consider further before reaching an appropriate conclusion.
- 29 We do need to take the time to make sure we properly understand what evidence individual complainants have, but also to share, when appropriate, the information and evidence a solicitor has provided to us. While this may not always be possible, particularly for examples where the complainant is not a client of the firm and therefore may not be entitled to certain information, in other cases we can and it is important we are transparent about what we have received and the basis for our decisions. There is more for us to do here and this forms part of our comprehensive wider continuous improvement work mentioned above.

**Recommendations: the Board is asked to note:**

- a) the Independent Reviewer's annual report 2021/22
- b) the key areas of focus to improve our service.

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### Supporting information

#### Links to the Corporate Strategy and/or Business Plan

- 30 Our corporate complaints processes supports our strategic objective 1: *'We will set and maintain high professional standards for solicitors... and ensure we provide an equally high level of operational service.'*

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

- 31 The issues discussed in this paper support the regulatory objective to protect and promote the public interest, and Better Regulation Principles of transparency, accountability and proportionality.

#### Public/Consumer impact

- 32 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?

- 33 The IR's Annual Reports each year are published by us and the IR, and we use its feedback to improve our service.

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

- 34 This paper covers complaints about bias and discrimination within our services, setting out what we are doing to address any issues of this nature. We also recognise that the clarity of our writing is key, and note that we provide reasonable adjustments as needed.

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#### Annexes

**Annex 1** SRA Independent Reviewer Annual Report November 2021 - October 2022