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**Independent**

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**Complaint**

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**Resolution**

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**Service**

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**Annual Report**  
For the Solicitors Regulation Authority  
**2010–2011**

**Fair, impartial, effective**

**[www.icrservice.co.uk](http://www.icrservice.co.uk)**

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## Foreword and introduction

ICRS is pleased to present our first report as the independent complaints review service for the SRA. ICRS is a partnership of three senior and experienced complaint reviewers, Elizabeth Derrington, Ros Gardner and myself, Jodi Berg. We were appointed to establish and develop a fair and impartial service for the investigation of complaints made about the SRA. This report sets out the steps we have taken and the progress that has been made. In establishing the process, we have been able to build on our experience of similar services that we have provided to other national bodies.

The establishment of an independent review service to augment the SRA's own complaints procedures is a significant step forwards towards meeting the high expectations that people rightly have of all public interest bodies. It recognises the importance of ensuring public confidence in the way that the SRA carries out its important role and demonstrates the SRA's wish to be held accountable in a very direct way.

Our own role is to consider specific complaints and, where appropriate, to make recommendations aimed both at putting matters right for the individual complainant and at seeking to improve the quality of the SRA's service to others in the future. The SRA is committed to implementing our recommendations wherever practicable. People who turn to ICRS do so because they want someone who 'has no axe to grind' to provide an unbiased but informed view of problems they have encountered. They can be confident that ICRS will be both thorough and robust in our approach to this task.

In planning the introduction of the independent complaint review service, the SRA conducted a review of its own internal complaints procedures to ensure that they complement the independent process. The aim was to offer a structured and effective response to complaints; changes have already been made and our overall impression is that this has made a positive difference to the service offered to complainants. We are particularly heartened by the very thorough approach of the Complaints Team, who review service complaints at Stage 2 of the internal process.

During the year, we have visited the SRA's offices and met with managers and front-line staff. We have been greatly impressed by their commitment to meeting high standards of customer service.

We have also used these meetings as an opportunity for SRA staff to meet us informally and to raise any questions or concerns they might have about the new independent service. It is important that everyone has confidence in the fairness and impartiality of the independent process if people are to respond to us in a candid and positive manner. We hope that our visits helped to allay any anxieties or misunderstandings.

Over the course of the year we have had a number of meetings with members of the SRA's senior management team, in particular with Mehrunissa Lalani, the Director of Inclusion. We are grateful to her and her colleagues for their commitment to the principles of independent review and for their determination to work in an open and co-operative manner with our office. It is particularly encouraging that the SRA is keen to learn from the independent process and to use the information derived from complaints to improve its services.

It is difficult to ascribe many trends to our first year's caseload of complaint referrals, which have been relatively small in number. However, some lessons can be learned and we will continue to share this information with the SRA. One key message that has come through our casework in the short time since our appointment, has been the unfortunate mismatch between the expectations that people have of a regulator and the reality of what it can provide. Many of the complaints that the SRA receives and a number of those that we have reviewed can be placed in this category.

A number of members of the public who have referred complaints to ICRS appear to assume that the SRA can and will sort out almost any problem they report that is connected with solicitors. This is an unrealistic expectation, as it is not the SRA's role to become involved in every problem or dispute that arises between individuals and solicitors. As a consequence, people can quite easily be surprised by the SRA's response and disappointed with what they perceive to be its failure to get to grips with their concerns, or to satisfy them that it has done so. On the other hand, solicitors who have been the subject of regulatory action do not always feel that the SRA's actions have been fair or proportionate in their case. During the year, we have raised concerns about how the SRA communicates difficult messages and, whilst acknowledging progress, we hope to see further improvements in the coming year.

As our first year of operation comes to an end, we are satisfied that the ICRS service has been generally welcomed and well accepted by complainants and by the SRA's staff. We believe that it is in good shape to play a valuable role in the response that the SRA can offer to complainants in the future.

**Jodi Berg OBE**

#### **Customer comment**

It is clear that a great deal of work has been undertaken in regards to my concerns, your comprehensive report reflecting this. I thank you for keeping me informed throughout the process and for your professional, clear and easy to understand communications *(complainant)*.

## Establishment of the independent review service for the SRA

### The ICRS office

The ICRS office is based separately from the SRA in Whitehall, central London. We can be contacted directly by telephone, email or fax by anyone seeking our help or advice.

We have published a leaflet “*Fair, impartial, effective*”, which explains the role of the ICRS. The leaflet is available on our website and is designed to be clear and accessible to anyone who needs our help. Our objective is to provide a service that is:

- independent and free of charge to complainants
- efficient and effective
- provided by a dedicated team of reviewers, committed to high and continuously improving standards
- flexible so that it can change in response to the needs and preferences of our service users
- accessible and well publicised
- administered in accordance with the principles of public life and good administrative practice guidelines

Our office staff are experienced complaints caseworkers, who are bound by the principle of confidentiality and who work to the high administrative standards established by the British and Irish Ombudsman Association.

There is no filter to the ICRS service. A complaint can be made directly to us by the complainant or referred by the SRA.

## The scope of the SRA's role

The SRA regulates over 100,000 solicitors and their practices in England and Wales. It also regulate practices that are owned and managed by solicitors, together with other lawyers and non-lawyers. It is part of the Law Society group but exercises its regulatory powers independently. The SRA's work includes:

- setting the standards for qualifying as a solicitor
- monitoring the performance of organisations that provide legal training
- drafting the rules of professional conduct
- administering the role of solicitors
- providing information to the public about solicitors
- setting requirements of solicitors' continuing professional development
- monitoring solicitors and recognised bodies to make sure that they are complying with the rules
- investigating concerns about solicitors and recognised bodies' standards of practice in compliance with the rules
- closing down solicitors' firms to protect clients and the wider public
- prosecuting solicitors before the independent solicitors disciplinary tribunal
- administering the compensation fund to help people who have lost money as a result of solicitor's dishonesty or failure to account

## The appointment of ICRS

During 2010 the SRA ran a tendering exercise in order to obtain the services of an independent complaints reviewer, who would fulfil two distinct roles described in its own complaint handling policy:

1. To provide independent oversight of the way that the SRA was carrying out its complaint handling function, and
2. To provide a final independent response to those complaints that could not be resolved internally in accordance with the terms of the complaint policy.

The main service requirements for the independent reviewer were to:

- consider and determine all preliminary requests for independent review
- consider and determine all independent reviews

- respond sensitively to all complaints of discrimination and human rights infringement
- provide a written report of all preliminary and full decisions made in response to requests for independent review
- communicate with and meet the SRA regularly, to ensure the smooth and efficient running of the independent review service and complaint handling process
- provide independent scrutiny of the SRA's complaint handling policy by monitoring its operation and providing feedback designed to improve performance
- publish an annual report setting out an account of the work of the Independent Reviewer during the preceding year

**Following appropriate process, ICRS was successful in gaining the contract for the provision of the service.**

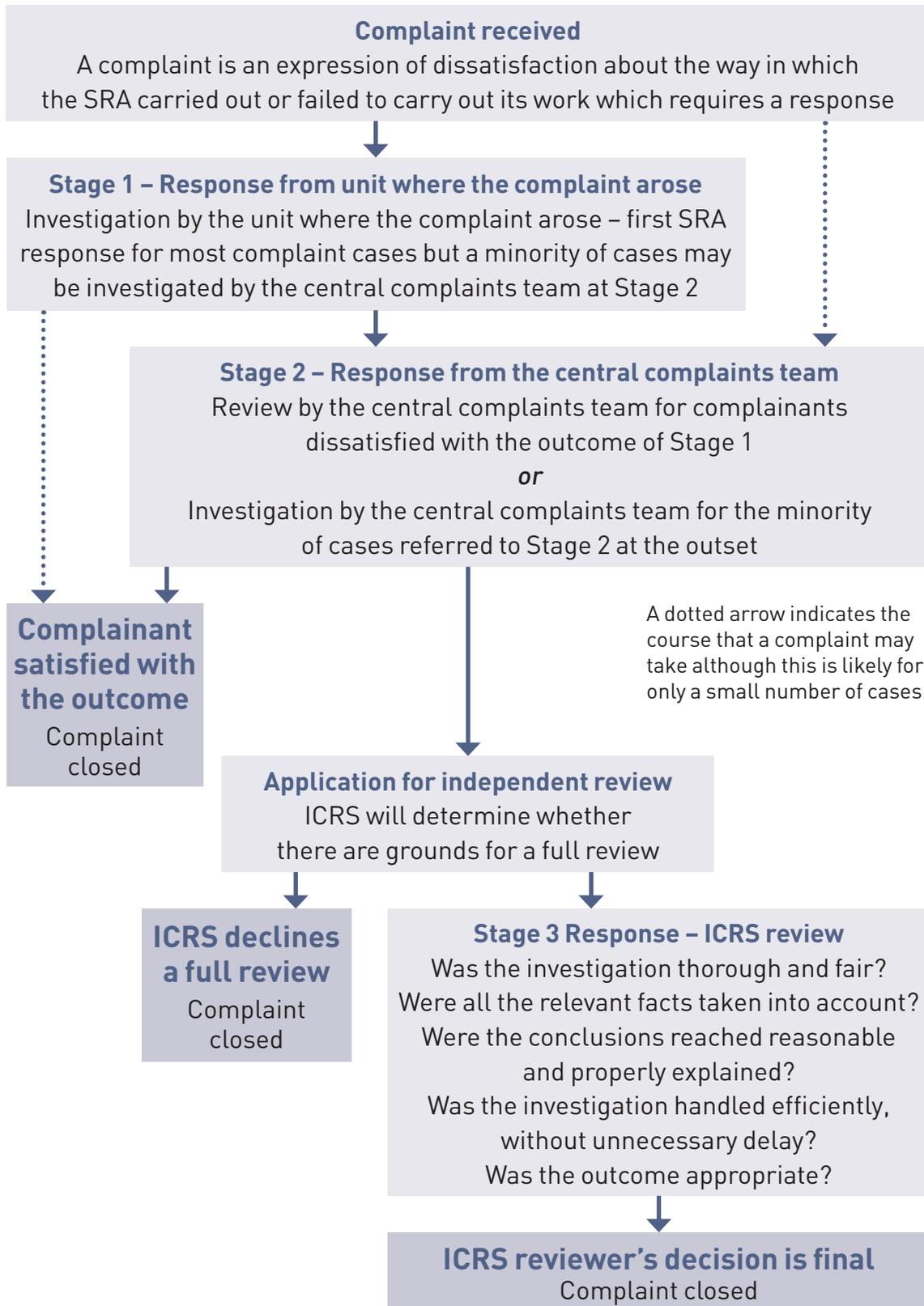
ICRS was able to accept referrals from October 2010. ICRS aims to ensure fairness and impartiality in the consideration of complaints about the SRA. We will investigate complaints which have already been considered by the SRA at both stages of its internal complaints procedure, where the complainant feels matters have been left unresolved or have been dealt with unsatisfactorily. However, we cannot review complaints about any regulatory decisions taken by the SRA or complaints made against individual solicitors or organisations employing solicitors.

This report outlines how the SRA's complaint procedures work and the key themes which have emerged in the first year of operation.

**Customer comment**

Thank you for your report. I think that the report is well written and shows a balanced approach. The only thing that I disagree with is the conclusion that suggests that a mere apology should be sufficient *(solicitor complainant)*.

## The SRA's complaint process



## The ICRS independent review service

ICRS is an independent complaint review and settlement service. We can review complaints made about the SRA after 1 October 2010, if the complainant remains dissatisfied with the response they have received through the SRA's internal complaints procedure.

It is important to stress that:

- ICRS can only investigate a complaint after the SRA's internal complaints process has been concluded
- we are only able to investigate complaints about the conduct of SRA for example about delay, inefficiency or unfairness
- we cannot investigate complaints about regulatory decisions
- we cannot investigate complaints against individual solicitors or organisations employing solicitors

### Customer comment

**I have survived and am beginning to feel much stronger. I must confirm that your own findings in that you have partly upheld my complaints has been no small part in the process. For that I must sincerely thank you (*solicitor complainant*).**

If the complainant wishes to refer their complaint to ICRS, they can do so via the SRA or directly. We ask people to provide:

- their name and contact details
- an outline of the complaint
- the date when they received the final resolution from SRA
- a brief explanation of why they were dissatisfied with the SRA's response together with a short statement of how they would like the SRA to put things right.

When ICRS receives a direct referral we contact the SRA to confirm that the internal complaints process has been completed. If this is confirmed we ask for copy of the complaint file. On referral, we will consider the file together with the information received from the complainant. Initially we will consider matters to see if there is a reasonable opportunity for a resolution by agreement between the complainant and the SRA. If this is not possible, ICRS will carry out a review unless:

- the original complaint was made before the appointment of ICRS
- the complaint is outside of the time limit for referral
- the complaint is not within our remit
- it appears, in all the circumstances, a review would be unreasonable or disproportionate

When the decision is taken not to progress with a review, ICRS informs the complainant and the SRA and gives reasons for this decision.

### **The review process**

If ICRS decides to carry out a review, we contact the complainant to check that we have understood the complaint and the outcome they are hoping for. We prepare a written summary of the complaint issues for agreement. Once the complainant has agreed the summary, we prepare a history of the complaint from their correspondence and any other documentation that we have received from the SRA. We then consider what additional information is needed, either from the complainant or from the SRA, in order to understand all that has happened and to make a decision on the complaint. In some cases, where necessary we can ask to meet the complainant or SRA representatives to discuss the situation further.

Once we have all the information we need, we reach a decision and produce a draft report of our findings. The report includes a summary of the main events related to the complaint and an explanation of the reasons for our conclusions. A copy of the draft report is sent to the complainant and the SRA to give both parties the opportunity to correct any factual mistakes. Once we have received comments on the draft report and made any necessary amendments, we then complete and issue the report.

When a complaint is upheld or we identify other concerns, we can make recommendations to the SRA, either for specific redress, such as an apology, or for improvements to its systems and processes to reduce the risk of similar complaints arising in the future.

## Feedback and complaints

ICRS welcomes customer feedback and complaints as an essential part of helping to improve our service. All complaints are taken seriously and responded to quickly by an ICRS Reviewer who has not dealt with the complaint previously.

ICRS tries to satisfy complainants and the SRA that we have done our utmost to provide a good service and where reviews are undertaken, to provide a comprehensive and just report. Not everyone is happy with the outcome of review, but it is heartening when people take the time and trouble to let us know if they are. This report includes some examples of this feedback.

### Customer comment

Thank you for explaining the position so clearly and for the speed of your response. It would be good if the SRA would do the same *(complainant)*.

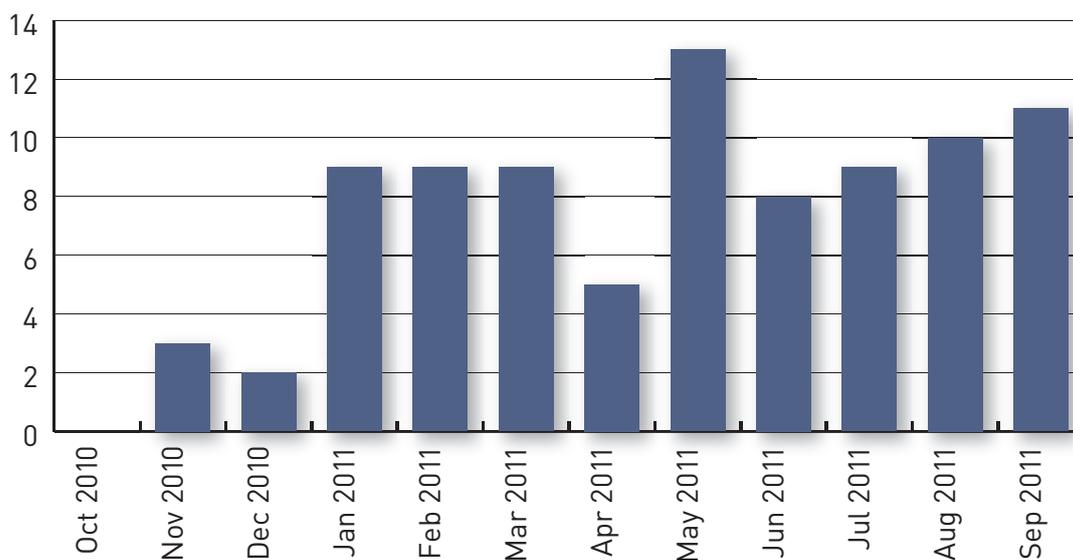
## ICRS referrals and other statistics

The following tables provide statistics on the numbers of referrals received by ICRS in our first year of operation, who made them and how the year progressed.

### Advice and assistance enquiries

Month	Number of advice and assistance contacts	% Total
October 2010	–	–
November 2010	3	3
December 2010	2	2
January 2011	9	10
February 2011	9	10
March 2011	9	10
April 2011	5	6
May 2011	13	16
June 2011	8	9
July 2011	9	10
August 2011	10	11
September 2011	11	13
<b>TOTAL</b>	<b>88</b>	<b>100%</b>

### Advice and assistance



## Review cases opened

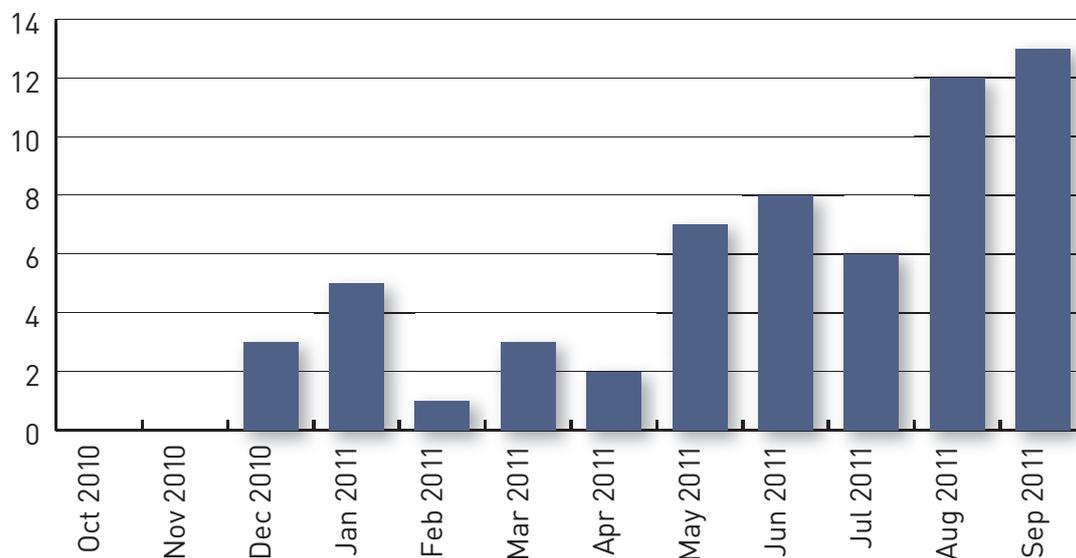
Month	Source - solicitor	Source - consumer	Total
October 2010	–	–	–
November 2010	–	–	–
December 2010	–	3	3
January 2011	3	5	8
February 2011	3	1	4
March 2011	3	3	6
April 2011	4	2	6
May 2011	1	7	8
June 2011	2	8	10
July 2011	–	6	6
August 2011	3	12	15
September 2011	2	13	15
<b>TOTAL</b>	<b>21</b>	<b>60</b>	<b>81</b>

As can be seen from the tables above, contact from complainants became more frequent as the year progressed and people became more familiar with the service. It remains to be seen whether the level of referrals evens out or continues to escalate.

The following table is a graphic representation of the growing caseload during the year. In the last months of the year, a number of complaints were referred that arose as a result of changes in the SRA's communication introduced to accompany the new approach to regulation, Outcomes Focused Regulation.

At the outset of the year, neither the SRA nor ICRS had a clear idea of the likely take-up for the independent complaint review service. It is fair to say that this has been greater than anticipated and we have needed to introduce additional resources to deal with the increasing demand. As the year closes, we believe that we have the resources in place to achieve good turnround times for our casework in the coming year.

## Cases opened



During the reporting year, ICRS closed 42 cases referred for review. 16 cases did not proceed to full review and we issued complaint reports in 26 cases.

## Finance

The following table gives a breakdown of the costs of the service provided by ICRS during the first 12 months from 1 October 2010 to 30 September 2011.

Activity	Cost
Casework including administrative costs and overheads	£34,000.00
Overview reporting	£5,000.00
<b>Total costs</b>	<b>£39,000.00</b>

We aim to keep administrative costs to an absolute minimum, and to focus resources on specialist casework and overview reporting. The average cost per completed case for our first year of operation was £1,307.00, which we believe represents excellent value for money. The ICRS overview service provided at a cost of £1,250.00 per quarter, complements the casework and enhances the overall value added.

## General themes emerging from case reviews

It is important to recognise at the outset that the numbers of complaints referred to ICRS have been small, particularly in comparison with the many thousands of contacts made with the SRA over the course of a year. In general, we acknowledge that this indicates a high degree of satisfaction with the work of the SRA. Moreover, the SRA is able to settle the majority of complaints internally. However, in a number of cases where people are dissatisfied, our experience is that it is very difficult for the SRA to resolve matters to their satisfaction. A number of causes for complaint have regularly featured in our casework.

### Public confusion

The Legal Services Act (2007) was implemented prior to the appointment of ICRS, during 2010. This has resulted in the creation of two new bodies, the Legal Services Board (LSB) and the Legal Ombudsman (LeO). It has also led to the scaling down of the existing Legal Services Ombudsman's (LSO) office. A temporary Ombudsman was appointed to handle any outstanding cases from the Legal Services Ombudsman's office. It is expected that the majority of these will be resolved by the end of 2011.

The SRA is a regulator, whose duty is to promote high standards in the profession for the benefit of the public in general, and to respond to misconduct in an appropriate and proportionate manner, where appropriate with disciplinary action. LeO on the other hand is an ombudsman, or complaints-handling organisation, which has power to arrange redress, including compensation, for clients who have received a poor service from their solicitor. Individuals who have problems with their solicitor should approach LeO first, so that LeO can deal with customer service complaints, and if it considers it necessary, pass on to the SRA any issues of possible misconduct.

There are however gaps in the routes to redress, which can prove an impossible barrier for some people who may have legitimate concerns about solicitors. One that we have come across a number of times is that LeO has no power to investigate problems reported about a solicitor by anyone who is not a client of the solicitor in question. This means that they cannot address problems raised by others who had dealings with a solicitor, for example in matrimonial disputes or during the course of conveyancing. These people often turn to the regulator for help. Inevitably, they are then frustrated when the SRA cannot deal with their personal and potentially serious complaints.

Another gap people have complained about is the lack of an independent informal process by which an informant who wishes to challenge a regulatory operational decision of the SRA can do so. The only way of doing so is by way of judicial review. Until 5 October 2010, the LSO had power to review matters dealt with by the SRA and to make recommendations both regarding regulatory decisions and the way in which cases had been handled. Since then only complaints about the way that the regulator has addressed concerns about its service can ultimately be taken forward for independent consideration, following a robust internal procedure, by referral to ICRS.

It is clear that the new arrangements are complex and confusing for the average member of the public. We have found that people are unsure of where to turn for help and we have received a considerable number of requests for advice and assistance about this. In some cases, people have been passed to and fro between the SRA and LeO. In others, people have been frustrated and unclear about what if anything they can do to challenge a regulatory decision.

ICRS recognises the limitations of the SRA's role and welcomes its commitment to trying to alleviate these problems through public information and communication. ICRS also welcomes the appointment by the SRA of a senior member of staff with specific responsibility for working with LeO to improve the way in which the arrangements operate and to help reduce further potential for confusion.

These important themes are already emerging from the complaints, and advice and assistance referrals we receive, and we will be keeping these issues under review in the months ahead.

We have identified two main learning points for the SRA:

- There appears to be considerable confusion amongst the public about the relationship between the SRA and other organisations involved in responding to concerns about solicitors. We urge the SRA to pursue the work already underway to enhance the way that the new system works and to improve the clarity of the information available to the public.
- The evidence we have seen suggests that now that referral to the LSO is no longer possible, people are confused about what can be done to challenge operational regulatory decisions taken by the SRA. We believe that there is further scope for the SRA to address this issue, either through published information or in guidance provided in individual correspondence.

## Communication

In many of the complaints we have investigated, the communication between the complainant and the SRA has not been as effective as it could have been. This has been the case, particularly at the Stage 1 response, where we have seen examples of what can appear to a complainant to be a “take it or leave it” response. Some replies have been short and cursory, without clear explanation of the policy behind the action of the SRA. This has not been the case at Stage 2 where in general in our experience, considerable effort has been made to respond to the complainant’s needs and requests.

A regular complaint that has been referred to the ICRS relates to a lack of transparency in the way that the SRA goes about the task of regulation. This is sometimes linked to poor or inadequate communication in our view, but it can also highlight public lack of understanding about the way that the SRA works. At times, we have seen people engaged in correspondence with various departments within the SRA at the same time, who clearly expect there to be regular and effective internal communication. This has not always been the case.

The SRA is committed to operating in a transparent manner, in its dealings with its stakeholders and the general public, and we have seen considerable evidence that it does so. However, in dealing with regulatory issues, sometimes issues of confidentiality mean that it is not possible to share all the relevant information with everyone who feels that they have an interest. We accept that this can result in dissatisfaction with the apparent lack of transparency.

The complaints that give us most concern, however, are those where the complainant has formed a view that decisions are made on an ad hoc basis, without reference to any specific guidelines. We believe that in most instances, the decisions made by SRA staff are reasonable and appropriate, but often complainants do not share this view.

We have identified two main learning points for the SRA:

- First, whilst ICRS would not discourage the use of template letters and responses, they should always be seen as a starting point for responding to people’s individual issues, rather than as an end product. People will often accept unwelcome news more readily if it is clear that some care has been taken to recognise their concerns.

- Second, it is important to be able to refer to guidance and procedure which has governed the way that matters are dealt with. In particular, this is helpful when explaining or justifying a response which may otherwise appear to be unreasonable. Particular emphasis should be placed on publishing the guidelines to which staff work and all the criteria that are taken into consideration require wider promulgation with the complainants.

## Responding to informants

The single issue that cropped up most frequently in complaints we reviewed during the year was dissatisfaction from members of the public with the SRA's response to their allegations about misconduct by a solicitor. People have expressed strong feelings that the SRA has failed to take their reports seriously, and complained that its response has been dismissive.

The number of complaints raising this issue increased significantly during the second half of the year following the SRA's implementation of its new approach to regulatory decision-making, called Outcomes Focused Regulation (OFR), which was published in October 2011. OFR was accompanied by a new communications strategy not to provide detailed personalised responses to individual informants. This has been the subject of complaint in a considerable number of the cases referred to ICRS in recent months.

ICRS recognises that in introducing OFR, the SRA is seeking to provide a proportionate and risk-based approach to regulation, in line with the Principles of Better Regulation and ensuring that it is using its resources most effectively. This approach can often result in decisions being taken not to progress a complaint immediately, if it is considered that it is not sufficiently serious or otherwise in the public interest to do so. Instead the information is retained and may be considered again should other issues of concern come to the SRA's attention. The SRA's practice is not to tell informants about the outcome of their contact.

It is very difficult to convey this message to informants in a way that will satisfy them that their concerns have been properly considered and taken seriously. Often the perception complainants have is that they are being 'fobbed off' with an excuse, whilst the SRA takes no interest whatsoever in the report they have made.

In some cases, we have found that the tone and style of some of the correspondence relating to this policy has not been helpful; neither have blanket refusals to engage in communication with complainants.

Whilst ICRS appreciates the efforts that have been made to put in place policies that the SRA considers are appropriate for its role and objectives, it is also clearly important that members of the public should feel confident that if they go to the SRA with their concerns about a solicitor's conduct, the matter will receive appropriate consideration, and disciplinary action will be taken if appropriate. In particular, the SRA needs to be sensitive to the perception that it is unwilling to respond to legitimate complaints, and intent on 'looking after its own' – the solicitors who fund the SRA. To avoid this perception, it must make every effort to ensure that the manner in which it communicates its policies will contribute to a greater understanding of the thinking behind them.

In our casework, we have not found evidence that reports to the SRA are not taken seriously. We have had the opportunity in some cases to see extensive files recording careful and determined investigations of complex conduct issues. Unfortunately, however, in several cases complainants have been left with a very different impression on the basis of the standard format letters used by the SRA, which say nothing about its assessment of the information provided and state firmly that, unless the SRA itself needs to make further enquiries, the informant should not expect to hear anything further.

We have identified three main learning points for the SRA:

- First, it is not always easy for people to appreciate that the SRA's role as a regulator is to protect the public as a whole rather than to take up issues on behalf of individuals. It is important for the SRA to take every opportunity to emphasise this point, both in public information and in its communication with individuals.
- Second, standard letters that are not tailored to the particular circumstances of the recipient can suggest a lack of care and concern
- For regulators, perception can be as important to public confidence as reality. ICRS would encourage the SRA to provide more information to complainants about its approach and the risk criteria it uses to assess what action, if any, is required in response to specific reports.

## **Professional issues**

Issues raised by solicitor complainants have unsurprisingly included the operation of the SRA's disciplinary process, particularly whether it is as fair as it should be to the solicitor under investigation. Although we have identified weaknesses in the way individual cases have been handled, in general they have been specific to the particular circumstances of those matters and have not identified particular trends. Overall, we have found the SRA's procedures to be clearly defined, balanced and fair, and that decisions are based on an objective view of the evidence available.

Inevitably, the issue of intervention, and the costs of intervention, have also featured in our casework. This is clearly a most traumatic situation for solicitors concerned, and ICRS welcomes the SRA's published policy of only taking this step when absolutely necessary and working with solicitors to avoid this step if at all possible. It is important in this sensitive area of work that the policy matches up to practice in a demonstrable way.

A number of individuals have also complained about the way in which the SRA implements the arrangements for the transfer of qualifications. Concerns in this area seem to relate to what people feel is unwillingness on the part of the SRA to exercise flexibility in extending time limits to assist them to meet the necessary qualification criteria. This has not been helped by the recent change in regulations, which has caused some concerns and confusion. It is to be hoped that now the new regulations are in place, problems that arose during the changeover will no longer arise.

## **Discrimination and reasonable adjustment**

The SRA is firmly committed to treating everyone equally and without discrimination and ICRS commends the major efforts it has made to ensure that all its practices reflect this. We have found this commitment clearly reflected in the cases we have reviewed. We have found no evidence at all of any discriminatory action by the SRA. Some individuals have, however, clearly felt that they have been unfairly treated.

It is, of course, much more difficult for an organisation to influence the feelings of its 'customers' than to control its own procedures and actions. Nonetheless, any feelings of discrimination must be a matter of concern, and need to be acknowledged. Equally, they should be recognised as delivering important learning points for use in training and development, especially in the area of communication.

One particular area where we have received complaints relates to the mechanism by which reasonable adjustments, including to assist people with disabilities, are made within the operation of the SRA. In some instances, it has appeared that this process can lack clarity and consistency. Again it may be that wider publication of the guidelines used and the criteria adhered to in arriving at the most relevant adjustments, would help to reassure users of the SRA's services that the spirit of its equality and diversity policies are adhered to in its decision making.

**Customer comment**

Thank you for the draft of your report.  
This was most lucid and I accept all  
your conclusions in full and without  
reservation (*complainant*).

## Oversight reviews and reports

Part of the role of ICRS is to carry out quality monitoring of the SRA's internal complaint handling through regular reviews of complaint files. To date, three of these reviews have taken place.

On each occasion 20 files were selected randomly, together with any files which contained allegations of discrimination. Some complaints had been investigated only at Stage 1 of the SRA's internal complaints procedure, while the balance had been investigated at Stage 2. Each file was examined thoroughly and marked against agreed criteria. Efforts were made to retain the anonymity of the subject of each report, allocating numbers to them for use during the exercise. The reviewer was also able to discuss her findings with members of the Complaint Handling Department and provide feedback to the relevant Departmental Managers.

### Key findings

During the reviews a number of issues emerged. On the whole these related to Stage 1 of the complaints process. Areas for improvement identified included:

- a need for improved signposting to the next stage of the complaint procedure
- care should be taken in arranging complaint files chronologically
- the complaint issues were not always agreed with the complainant
- when the complaint had been agreed, in some cases not all elements were fully addressed
- the remit of the SRA and its complaint procedure should always be explained to the complainant
- there is confusion regarding the relative responsibilities of the Law Society, the SRA, and the new Legal Ombudsman
- internal support for the SRA's own Complaint Team appeared to be lacking in certain instances
- there was some evidence of inconsistent information being given by Contact Centre staff
- where it was used, the complaint form generated from web-based queries was very helpful
- there was a lack of clarity regarding interpretation of the term "reasonable adjustment" by both SRA caseworkers and contracted-out caseworkers
- more guidance is needed to assist staff to handle situations where complainants have become abusive and unreasonable in their demands

The review of individual letters, which are selected randomly and monitored against agreed criteria, also identified areas where improvements could be achieved. Some issues noted were that:

- letters sent by e-mail contained inaccurate information
- the presentation of numerical data was inconsistent and unclear
- the length of paragraphs and sentences was too long making correspondence difficult to read and understand, and legal jargon was included where it was not always appropriate
- complaints lacked the contact details of the individual who had replied to the complainant

It was noticeable that the quality of the responses at Stage 1 was not as good as those provided at Stage 2 by the SRA's Complaint Team. This suggests that Stage 1 reviewers should seek to learn from responses given at Stage 2.

### **Recommendations from oversight review**

Following on from the oversight reviews, some recommendations were made by the reviewer. These included:

- expertise identified within the Complaint Handling Department should be promulgated more widely across the Authority
- the use of signposting should be mandatory at each stage
- files should be regularly edited and arranged chronologically
- details of the complaint should be agreed with the complainant prior to investigation
- the role and remit of the SRA should be clear to all complainants at the beginning of the process
- personnel involved in complaint handling at Stage 1 should be provided with regular training
- the roles of the Law Society, the SRA and the new Legal Ombudsman need to be explained more clearly both inside and outside the profession
- greater clarity regarding the Authority's interpretation of the term "reasonable adjustment" in the handling of cases of individuals with disabilities is needed
- training on discrimination issues with particular regard to disability matters should be conducted across the Authority

## Learning from complaints

### Systemic recommendations from case reviews

Our review of individual cases regularly leads to recommendations. Some of these are designed to offer personal redress to complainants, such as apologies for service failures, including delays. Others are designed to help the SRA to improve its procedures and avoid similar complaints recurring. Over the year we have made recommendations, in individual cases, for the SRA to:

- provide realistic indications of the time a regulatory investigation is likely to take
- develop guidelines to assist staff to respond to requests for changes to normal timescales for a regulatory investigation
- consider steps to ensure that applicants for compensation fund payments understand from the outset the projected timescale for dealing with the application
- keep a record of pertinent conversations during the progress of a regulatory investigation
- operate a triage system that ensures the swift progress of urgent matters
- consider the need for guidance to ensure that, where appropriate, individual solicitors are promptly notified of allegations made against them to the SRA
- consider the apparent tension between the SRA's broad commitment to transparency and its response to informants, and how this can be managed
- provide sufficient information to informants, tailored to their own concerns, to engender confidence in the SRA's regulatory approach and decisions
- improve transparency with regard to Practising Certificate applications, by publishing examples of the factors taken into consideration in deciding whether or not to add conditions to Certificates
- consider the development of an informal decision review process, taking account of generally accepted principles of administrative justice
- consider publishing a practice statement on how the SRA responds to requests for the SRA to forward correspondence to solicitors who are not contactable through other means
- when dealing with complaints about the service provided by the SRA, ensure that all areas of complaint are addressed in responses.

The SRA is committed to accepting ICRS recommendations wherever possible. We are pleased to report that the SRA has demonstrated that it is willing to acknowledge concerns identified by our reports, to apologise to complainants, and to learn from complaints by taking steps to implement systemic recommendations. We have agreed that we will be regularly monitoring the implementation of such recommendations, in order to report on improvements made in future reports.

## **How the SRA has responded to recommendations**

The ICRS recommendations have been taken seriously by the SRA. In respect of some recommendations, work has already commenced. With regard to other recommendations, particularly those in respect of CIU, the recommendations were forwarded to those responsible for implementing the SRA's new approach to regulation with a view to ensuring that recommendations were incorporated into any new methods of working. That approach seemed appropriate rather than changing procedures that were to become extant in any event. ICRS recognises that the SRA has gone through and continues to go through a significant transformation programme.

By way of summary, ICRS is pleased to note that a number of developments have followed recommendations:

- Claims Management has developed and implemented a customer charter.
- Standard letters in CIU have been amended with a view to providing a more fulsome explanation about the SRA's regulatory approach to help engender confidence. A further review is underway that will ensure better tailoring of standard letters to individuals.
- The SRA's website has been updated to provide more information to both the regulated community and the public about the SRA's regulatory approach; decision-making principles and risk assessment criteria.
- The SRA's Reconsideration Policy has been published on its website.

## **Final ICRS comments**

It is clear from complaints that ICRS has reviewed that the SRA's internal investigation is well understood internally. We have also seen examples of what we would describe as 'model' responses to complaints, where lessons learned have been widely disseminated. The SRA has also responded positively to constructive criticism and recommendations.

All of this is good news. It represents the establishment of sound foundations upon which the SRA and ICRS can build for the future. At the end of the day, an independent complaint review process cannot make a difference to the way in which an organisation treats its customers, unless that organisation is itself committed to a continuous programme of improvement. However, ICRS can be a catalyst for change. By using the independent review process in this way, the SRA demonstrates its ongoing commitment to customer service.

**If you would like to find out more about ICRS and the services we provide,  
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